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INDIAN ADMINISTRATION

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BY

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Revised, Enlarged and brought up-to-date).

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Preface to the Third Edition.

I have taken full advantage of the opportunity of bringing out a third edition of this book in three chief directions: (1) Additional chapters have been written so as to cover the supplementary subjects of Village Organization and Famine Relief arrangements, prescribed by the University of Bombay and thus to meet completely the requirements of students preparing for the Intermediate Examination. (2) A chapter on the Indian Constitution has been added, and in it an attempt has been made to give a comprehensive view of the structure of Indian Government. In this connection, I have endeavoured to indicate the lines of the constitutional development that must take place in India, and the Native States which, had been left severely alone in the earlier editions, are shown in their proper perspective. (3) I have also supplied, as far as possible, the latest facts and statistics, and the whole matter has been arranged more systematically so as to facilitate study.

Constitutional reform is the topic of the hour, and questions relating to the reconstruction of the Empire and the reorganization of the Indian Government, are being earnestly discussed. At a time like the present, it is necessary that all those who participate in the discussion or take an intelligent interest in the affairs of their country, should be well equipped with a knowledge of the existing organization of the Indian Government and with a clear idea of the lines along which constitutional reform should proceed. It is the chief purpose of this book, now thoroughly revised and brought up-to-date, to assist students and general readers,—young men in the University and outside, men of business and of public affairs,—in attaining this object. The improvements which have been made in the present edition, will, it is hoped, be found helpful.

Fergusson College, Poona,
15th July, 1917.

} V. G. KALE.

Preface to the First Edition.

I believe no apology is needed for placing the following pages before the educated public in India. Though problems of constitutional and administrative importance have often evoked an amount of interest in this country, a thoughtful study of them has always been confined to a small section of the educated class of Indians. The constitutional developments of the last few years have, however, brought questions relating to the machinery of Indian Government and administration into greater prominence, and the value of a general knowledge of the whole subject is coming to be better realized. There are a few admirable books dealing with the topics which have been treated in this volume, and those of Sir C. P. Ilbert, Sir John Strachey, Sir George Chesney and Mr. A. R. Lyengar, besides the Imperial Gazetteer, deserve particular mention. But they could not render superfluous a handy and cheap volume, giving in a reasonable space, a vivid and popular account of the system of Indian administration and bringing up-to-date all available information on the subject.

The book is intended for the ordinary educated and intelligent reader. It is designed to impart to him a decent knowledge of the machinery of British administration of India, which has become so necessary to every Indian citizen at the present time. Though mainly written for the uninitiated, it is, I hope, not undeserving the attention of the initiated too. The topics treated in this volume are those prescribed for the Intermediate Arts Examination of the University of Bombay; it is, therefore, admirably suited as a text-book for students preparing for that examination. One of the main objects of the reforms recently introduced into the curricula of our University, was to induce an intelligent and thoughtful study of history and other subjects among the students

and the treatment adopted in this book is calculated best to facilitate the attainment of this object. The development of the British Government of India and of the various branches of the system of administration, has been traced at some length from the beginning and ample statistical and other information has been supplied. These features of the book are expected to provoke thought and lead the reader to pursue further careful study for himself and to form independent views of his own. In the case of the few controversial matters, which could not be excluded from a book like this, both sides of the questions have been fairly stated, and as far as possible, I have refrained from importing personal or dogmatic opinions.

The scope and the purpose of the book being as indicated above, purely theoretical discussions have been avoided except where they were deemed absolutely necessary and the book is, in the main, a plain statement of events and facts. Besides the books referred to above, I am indebted, for my information, to a number and variety of sources too numerous to be mentioned here. I have drawn liberally upon reports and other publications issued by Government from time to time, and several of these sources have been shown in the foot-notes. Whenever convenient, the very language of Statutes, Acts and Reports has been freely used throughout the book, and the latest available statistics have been given, which, it is hoped, will prove interesting and instructive. My experience as a writer on economic and other questions shows that the public, and the student-world in particular, is slowly beginning to take a keener interest in the discussion of these problems, and it is to be hoped that that interest will now be stimulated and directed along right lines.

Preface to the Second Edition.

The warm welcome, which this book received at the hands of the public and particularly of the student-world, encouraged me to bring out a second edition. The machinery of Indian administration, which is described in the following pages, must undergo constant changes, and reforms are being steadily effected in the scope, system and management of the different departments. I have, therefore, endeavoured to bring my facts and figures up-to-date so as to keep the student abreast of the times and to make him take a deeper interest in the subjects expounded. Certain points, which, I felt, were a little difficult to grasp, have likewise been made clearer, and the treatment has been generally adapted to the intelligence and requirements of the ordinary reader. The chapter on Finance has thus been largely rewritten and suitable additions and alterations have been made in other places. It is hoped that these improvements will enhance the usefulness of the book and that those, for whom it is written, will profit by it.

Fergusson College, Poona,
15th June 1915.

}

V. G. KALE.

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INDIAN ADMINISTRATION.

CHAPTER I.

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1. The British Connection.—By all thoughtful Indians the connection between Great Britain and India has always been happily characterised as providential. India is a valuable asset of the British Empire. From the political, the strategical and the economic points of view, this country occupies, in the organization of the Empire, a position of pivotal pre-eminence. In international rivalry, which, for centuries, has brought the European nations into conflict with one another in the arena of the East, British power in India is an important factor whose importance is bound to grow in the years to come, materially strengthening the hands of England in the struggles of the future. It is the possession of India which has mainly contributed to the expansion of Great Britain into an Imperial power, and most of the grandeur attaching to the British Empire, is imparted by the lustre of the Indian jewel in the crown of the King-Emperor. The sons of Britain have found ample scope in this Depend-

ency for the exercise of their commercial and political genius, and the economic advantage England has derived by the acquisition of India, is not inconsiderable.

The benefit which has resulted from the providential linking together of the destinies of the two countries is, however, mutual; and India is highly indebted to England for the many inestimable blessings British rule has conferred upon the people of this country. To appreciate this fact one has only to recall the chaotic, backward, and miserable condition of this continent during the centuries which preceded the rise of the British power in the country and to contrast it with the orderly, progressive and peaceful government which has been evolved in it in the course of the past hundred years. India then presented an aspect not unlike that of Europe during the Dark Ages—the whole country torn up by racial, tribal and dynastic feuds, exposed to frequent attacks from without, a prey to misrule, tyranny and civil wars, steeped in ignorance and shut out from contact with modern material civilization. With the advent of the British power, this state of things gradually changed. Wherever that power spread, it was cheerfully recognized as a guarantee of peace, order and justice, and to-day, India is treading the path of national unity and progress, thus coming slowly but surely into line with the advanced nations of the world.

The old theory of the British "Conquest" of India has now been generally abandoned, and it is recognized that the so-called conquest was rather in the nature of an internal revolution directed by Englishmen, but carried out for the most part through the people of India themselves. Britain's mission in India is, therefore, a beneficent and a noble one, and though it will take years to be carried out completely, the progress which has been already achieved within less than a century of British Government, is an earnest of the rapid advance the

country is calculated to make in the midst of the changed and changing conditions we see round us to-day.

2. Spirit of Indian Administration.—The world-war brought into relief the deep and abiding Imperial loyalty of the princes and people of India. The part India took in the struggle and the sacrifices she cheerfully made in the cause of the Empire, produced a profound impression on the mind of Great Britain and the self-governing Dominions, and they willingly admitted the representatives of India to the sittings of the Imperial Conference which met to discuss problems connected with the efficient conduct of the war and the reconstruction of the Empire. Soon after the outbreak of the war, when the Indian armies were despatched to Europe to fight on the battlefields of Flanders, it was clear to every one that the British 'angle of vision' had changed, and later events raised high hopes in the India's breast about the recognition that was sure to be accorded to her legitimate claims.

The war shook the political and social fabric of the world to its foundations, and India's could not but feel the effects of the upheaval. The constitutional future of India—her status in the Empire and the character of her internal government—became a subject of animated discussion, and though it was difficult to say what changes were contemplated, it was clear that something was coming. The people wanted a new spirit to animate the government of the country—not only a 'spirit of paternal guidance and sympathy'—but one more liberal, more bold and more progressive. The administration inspired by the old theory is described as "A slow government, cautious to the point of timidity, suspicious of all new ideas outside the sphere of administrative improvement, but within that sphere, swift, resolute, and enterprising, a government, unused to external criticism, and somewhat distrustful of external critics, but spotlessly

pure, ceaselessly vigilant, studiously respectful of the religious and social traditions of the people, and single-minded in its devotion to the material and moral welfare of 315 million souls." This is now regarded as an inadequate conception of Britain's mission in India, and the Indian nation aspires to be raised to the status of a self-governing part of the Empire—"an equal partner" and nor merely 'a trusted dependant.'

Whatever aim may have inspired the British policy underlying the governance of India, it is not to be supposed that there was, from the outset, a conscious attempt to build up a large empire in this country on the foundations of any well-defined principle. As the ancestors of the pro-consuls who were sent out from Rome to govern large territories on the continent of Europe or in Asia, in the time of the Republic or the Empire, could not have dreamt of such extension of their original narrow territory to the confines of the then-known world and of Rome's universal civilizing influence which almost changed the face of the Earth, so the early British merchants and factors could not have foreseen that their successors would, in the course of two centuries, become responsible for the administration of a vast empire so strange, and so distant from home. For Englishmen, like the Portuguese and the Dutch, were attracted to the East by a spirit of enterprise and a consuming desire for gain.

3. Early Struggle of European Nations.—The commerce with the East had ever been the object of ambition with the cities and nations of Europe, and Venice and Genoa, Byzantium and Alexandria, not to speak of the early Phœnicians of Tyre and Sydon and Arabs of later times, had struggled to keep their hold on that trade. The discovery of America and of a new sea-route round

* H. A. L. Fisher in "The Empire and the Future."

the Cape of Good Hope, brought about a revolution in the extent and direction of the sea-borne trade with Asia. A spirit of enterprize and naval daring led the Portuguese to scour over the Western and the Eastern seas, and an absorbing desire to capture the trade of Asia made them establish their settlements on the coasts of Africa and India. The glory of Portugal was, however, short-lived and passed into the hands of the Spaniards by whom that nation was conquered. Religious animosities between Roman Catholics and Protestants ranged the nations of Europe in two hostile camps which were led by Spain and England respectively.

In the sixteenth century the Dutch Republic became independent by throwing off the yoke of Spanish tyranny, and the alliance of England with the United Provinces committed the former to a policy of war with Spain. The memorable English victory of 1588 over the Spanish Armada, was a turning point in the history of the commercial competition that raged among the nations of Europe, and the memorial addressed next year by certain English merchants to the Virgin Queen soliciting a license to carry on trading enterprize in the East Indies, opened a new chapter in the story of the English nation. The movement on the part of the Dutch and later on, of the English people, to break on the commercial monopoly of Spain, was bitterly resented by that nation, and a desperate struggle ensued between it and Holland which, however, terminated in the decline of Spain.

In the last year of the seventeenth century Elizabeth granted a charter to the Company of London merchants to trade with the East. In the meantime, the activity of the Dutch in the Eastern seas had been continuous and strenuous. England and Holland co-operated to oust the Spaniards from their monopoly of Eastern trade, but as their interests clashed, the two nations were bound to come into conflict with each other as soon as the common en-

emy was got out of the way. Holland usurped the rich heritage of the Portuguese whose settlements gradually passed into Dutch hands. That nation now found itself face to face with another rival, and in the inevitable struggle that ensued Holland, proved the superior.

4. England and Holland.—Dutch merchants occupied the Spice Islands and monopolised almost the whole of the spice trade. Before them the English had to retire discomfited further to the West. Portugal had now fallen entirely out of the race, and the English Company was steadily pushing on its trade in India, having established its factories at Surat, Masalipatan and Madras before the middle of the seventeenth century. Its progress was facilitated by the concessions the English Company was able to obtain from the Moghul emperors, but it did not receive from the government at home such strong and unfailing support as its rivals were fortunate in obtaining, and consequently the position of the Dutch East India Company was peculiarly favourable.

It is not necessary here to describe at length the struggle for supremacy which raged between the two Protestant naval powers of Europe. England strained every nerve to put down her rival and to strengthen her navy, and the frequent Dutch wars of the time of Cromwell and Charles II, show how keen the competition had become. The charter of the English Company was renewed from time to time, and as it was expected to protect itself against enemies and rivals in distant seas, extensive privileges and authority were granted to it. Soon after the Restoration, the island of Bombay was ceded by the Portuguese to England, and it was granted by Charles in full property to the East India Company. While the two Protestant powers of northern Europe were fighting with each other, the ambition of the French people was roused, and in 1664 the French East India Company was founded. A new element of disturbanc

was thus introduced into the situation, and India, like other parts of the world, was affected by the struggle between the English and the French.

Sir Alfred Lyall* thus sums up the position :—" In short, at the beginning of the seventeenth century, the desire to destroy the colonies and commerce of Spain and Portugal united against them the Dutch and English in the East Indies. Then, as the power of the Spanish empire waned, the two northern nations, having the Asiatic field to themselves for a time, turned savagely on each other. But the fierce naval fighting that ensued between the Dutch and English enfeebled both nations; and they soon became equally distrustful of the designs of the French not only in Europe, but also in Asia; for France was now entering the arena, although many years were still to pass before she could establish herself substantially upon the coast of India."

5. France on the Scene.—The brilliant reign of Louis XIV was one long attempt on the part of France to gain predominance on the continent of Europe at the expense of Holland which nation, by the end of the seventeenth century, had considerably declined. France and Holland soon exhausted themselves in the struggle, and England profited by it and was able to extend and consolidate her eastern trade. The Revolution of 1688 saw the English East India Company firmly rooted in the Indian soil, and from its establishments at Bombay, Madras and Calcutta, preparing for further expansion.

At this time the sun of the Moghul empire was setting. The process of disintegration had already commenced and the final catastrophe was only a question of years. The governors of the various *subhas* became independent rulers owing only a nominal, if any, allegiance to Delhi. The Marathas in the South gradually

* The Rise of British Dominion in the East.

absorbed territories that were once in the possession of the Mahomedans, and aspired to an extensive empire covering the territories of the Moghuls. The death of Aurangzeb threw the whole land into confusion and was followed by an outbreak of civil discord and disorder. The weakness of the central authority and the general chaos facilitated the progress of the East India Company. The importance of the East India trade and of the possession of India, was recognized and pointed out in those days by some who were acquainted with the conditions obtaining in this country.

The dawn of the eighteenth century found England and France face to face with each other contending for commercial and political predominance, both in Europe and Asia. The stage had been cleared of the Portuguese and the Dutch, the settlements of the latter being confined to Ceylon, Java and the Spice Islands. The political antagonism between the rivals on the two sides of the British Channel, had been inherited from past generations. Portugal, Spain and Holland being practically eliminated from the race, France strove, throughout the eighteenth century, to undermine the power of her only rival, but in vain. Both nations had their colonies in America and settlements in India, and were bound to collide with each other. The condition of war or peace in Europe reacted upon the relations of the English and French Companies in India, and the struggle was renewed or suspended accordingly.

When the French and the English commenced a war in Europe about 1745, the Companies in India were infected with the war-like spirit and the Carnatic became the theatre of the first and the most memorable contest between the two European nations represented by the commercial bodies. The affairs of the French Company were, at this time, controlled by Dupleix, the ambitious governor, who aspired to drive away the English from

India, and to found a powerful French empire by meddling in and taking advantage of the quarrels of the native chiefs contending with one another. The political conditions of the country were propitious, and Dupleix was the proper man to turn them to account. But the Carnatic conflict was only an episode in the great military drama that was being enacted on a more extensive stage.

The war which the peace of Aix-la-chapelle terminated, had left France crippled in resources, and the French Company was affected by this national exhaustion. But the plans of Dupleix were not disturbed, and he resolved to plunge deeper into the factious turmoil that arose round the throne of the Nizam and of the Nabob of the Carnatic, to secure for his nation a position of supremacy in India. The temptation was too great to be resisted—the prize being a splendid oriental Empire,—and both the French and English Companies began to move their pawns on the chess-board of Southern India, putting forward and supporting rival claimants. Fortune seemed to smile on Dupleix's ambitious operations at the outset, but his opponents were ever on the alert and capable, and the issue of the contest depended ultimately less on the temporary success which might be gained in the Carnatic and at Hyderabad than on the financial and naval position of the French Government in Europe, where it was confronted by the superior fleet and other resources of the British nation.

When the Seven Years' War was declared in the West, the English Company in India was becoming the master of Bengal. The mantle of Dupleix had fallen upon Lally who had, however, to face the same difficulties. The victory of Plassey over the Nabob of Bengal strengthened the hands of the English and the battle of Wandiwash put an end to the struggle with the French. Prof. Seeley thus sums up the position:—"It several times happened that the war by which they acquired Indian

territory, wore the appearance before the English public of a war between England and France, and was, therefore, heartily supported by the nation. The English conquest of India began not in some quarrel between the Company and a native power. It began in an alarming attempt made by the French to get control over the Deccan, and so among other things, to destroy the English settlements at Madras and Bombay, by interfering in the question of the Hyderabad succession. Our first military step in the East was to defend ourselves against the French attack. And from that time for nearly seventy years, that is to the end of the war with Napoleon, our wars in India never ceased to wear more or less the appearance of defensive wars against France. The effect of this was that, though they were not waged in the name or at the expense of the state, yet they seemed to a certain extent national wars, in which England was deeply concerned."*

6. The British in Bengal.—The East India Company was, originally and avowedly, an exclusively commercial body, and could not entertain any idea of territorial possessions though it might take warlike measures for the protection of factories and trade. The movements of the Company at Fort William which roused the suspicion and kindled the wrath of Suraj-ud-Daulah, the youthful Nabob of Bengal, were caused by the fear of French attack upon Calcutta. The tragedy of the Black Hole brought Watson and Clive from Madras, which could ill spare them, and the victory of Plassey followed. Meer Jaffar, the protegee of the English, became the new ruler of Bengal, and the power of the British was definitely established in that province. By this time the feasibility of Dupleix's daring and ingenious plans had been considerably demonstrated. The ill-disciplined and ill-led native troops were no match for the small but organized forces of the British Company.

* Expansion of England.

Native sepoys under European command, proved most efficient, and of these any number could be obtained at any time. The venerable tree of the Moghul Empire had withered and its branches were completely rotten. The ease with which Bengal fell into the hands of the Company, placed before it the tempting prospect of more extensive acquisition of territory beyond it, and it may be said that the centre of gravity of its power and actions was shifted from the South to the North.

The position of the Company after Plassey, was peculiar. The whole of Bengal was practically at its mercy and the Nabob was its nominee. It maintained an army and carried on war with the French in Southern India. The Nabob could not do without the Company's protection and it could not do without his money. Both were equally hard pressed for funds and the administration of Bengal was thrown into a confusion. From being a mere commercial body the East India Company was steadily drifting to the position of a territorial power. This anomalous situation gave rise to serious abuses, confusion and anarchy. Money-making became a craze among the servants of the Company who plundered right and left with impunity. The administration was disorganized and demoralized, and the situation was not improved when Meer Kasim was substituted in the nominal rulership of Bengal in the place of the old Nabob. The dissensions between the Nabobs and the Company and the high-handedness and greed of its officers, ended only with the assumption by the Company of the direct revenue administration of Bengal, Behar and Orissa. The Nabob Vazir of Oudh took sides with Meer Kasim in his quarrel with the English and proposed to march upon Bengal with the avowed object of restoring that province to the Moghul Emperor who was at the time in his camp. The battle of Buxar, however, frustrated this plan, and pushed on the Com-

pany's frontiers to Benares and Allahabad and placed the Emperor at its mercy.

Lord Clive, who was specially entrusted with the task, purified the administration by putting down several abuses which discredited it, and the most noteworthy of his measures was the acquisition for the Company of the whole right to the Diwani of Bengal. The trading Company was no longer constrained to act as an unwilling auxiliary but had attained a position in which it could openly play the role of a principal. The path to Delhi was open to it but the responsibility of vast addition of territory worked as a deterrent to this tempting and ambitious plan. In the opinion of competent observers the resources of the Company were enough for the conquest of the whole of Northern India, but Lord Clive was content to strengthen the North-Western boundary of British territory, by establishing friendly relations with the Nabob of Oudh. While the British became a sovereign power in one of the most fertile and strategically important parts of India, Clive secured, at the same time, the gift of the maritime province known as the Northern Circars from the nominal emperor. To all intents and purposes, the 'Company of British merchants trading with the East' was firmly rooted in the Indian soil as one of the indigenous powers of the country, collecting revenue, maintaining armies and making wars of defence and aggression.

7. Progress of Maratha Arms.—The Maratha Power, whose foundation had been laid by the genius of Shivaji, had, in the course of one hundred years, reached the zenith of its ascendancy in India. Facilitated by the decay of the Moghul empire, Maratha genius for conquest found ample scope in the North as well as in the South. The Moghul emperors did not perceive the possibility of the rise of a weak and apparently backward non-Mahomedan race against their all-pervading supremacy and committed the mistake of destroying the only check to

the advance of the Marathas, viz., the Moslem kingdoms of the South. Aurangzeb, who represented the final stage in the growth of the Moghul power, wore himself out in a personal contest with the Marathas in the Deccan. The great Emperor had to acknowledge defeat at the hands of a people he despised, and was borne to the grave in his disappointment. The struggle braced the nerves of the Maratha chiefs and taught them the value of solidarity. They were most capably led by the Peshwas Balaji and Bajirao, both of whom extended the limits of Maratha territory at the expense of what remained of the Moghul Empire. Maratha leaders carried their arms to Delhi and made and unmade emperors. They overran Northern India far into the Punjab and Bengal, and their outposts were stationed at Gwalior, Indore, Baroda and Nagpur. Even Calcutta was threatened and Southern India did not escape their attentions. The Nizam nearer home and Hyder Ali, the military adventurer of the South, were the only restraints upon their progress of aggression, and throughout the 18th century they continued to give trouble to the Marathas.

The incursions of the Marathas into the Punjab brought down Ahmedshaha Abdali into India for the fourth time. Their occupation of Delhi rallied all Mahomedans against them and the latter were led by Najib-ud-Daulah, the Rohilla chief. A formidable movement was thus organized in Northern India against the common enemy from the South, who threatened to bring the whole peninsula under subjection. Ahmedshaha swooped down with his Afghans and came up with the Marathas on the fateful field of Panipat where the latter were completely routed. This crushing disaster and the internal dissensions of the Maratha confederacy for a time checked their successful career of conquest. The decay of the Moghul power had, however, advanced too far to be arrested. Prince Ali Ghor, who styled himself Emperor

Shaha Alam, was unequal to the task of reviving the Empire. Foiled in the attempt to recover his authority over Bengal, Shaha Alam at last decided to remain on friendly terms with the British Company. He was yet impatient to return to Delhi and be installed on the imperial throne. Neither the British Company nor the Nabob Vazir was very anxious to assist him in this, and he had to call in the Marathas against the warnings of the Company.

In 1771 Mahadji Scindia entered Delhi with the Emperor. The Rohillas were chastised by the Marathas and their country was looted. But Mahadji was not allowed to complete the work as he was called away into the South by the civil discord which had burst out in Poona and had resulted in the assassination of the young Peshwa, Narayanrao. The energies of the Maratha government were also continually distracted by the wars it had to wage against the Nizam and Hyder, the latter having made himself the master of Mysore about 1760. The relations of these three were hostile towards one another and towards the British, and affairs became so complicated from time to time that severally and jointly the Marathas, Hyder and the Nizam fought with the Madras government. The Marathas and Hyder and his son Tippu were, besides the Sikhs, the only formidable antagonists the British troops had to encounter; and the wars the Company had to fight with them are some of the toughest and most desperate in Indian history. The position of the East India Company was now secure in Bengal, the Nabob Vazir on the western frontier was its ally and the Emperor was not likely to give any trouble. But in the South the Madras government was soon thrown into the vortex of war in which the Nizam, the Marathas and Hyder were involved. That government's first experience of an encounter with the Mysore chief, was far from encouraging, and its unfortunate

blunders made him one of the most determined foes of the British Company.

8. Company Becomes a Sovereign Body:—The year 1765 marks the conversion of the East India Company into a sovereign body having large territorial possessions in India, though the change was disguised by the establishment of a system of dual government 'under which the Company, while assuming complete control over the revenues of the country, and full power of maintaining or disbanding its military forces, left in other hands the responsibility for maintaining law and order through the agency of courts of law'.* The new responsibilities thrown upon the Company's shoulders, made the old machinery of administration through the Presidency Council utterly unsuited to the performance of the functions of government. The financial position of the Company was far from satisfactory, and in spite of its debts the dividend was raised in 1766 from 6 to 10 per cent., and next year to $12\frac{1}{2}$ per cent.

The British Government had taken advantage of the repeated renewals of the Company's charter to impose new conditions upon it, pecuniarily favourable to itself. Various circumstances, however, continued to expose the East India Company to public criticism and increased Parliamentary control. The enormous fortunes suddenly amassed by the Company's officers, the suspicions in the popular mind that the wealth of these 'Nabobs' was ill-gotten, the Parliamentary influence which the fortunes of the Company's servants exercised in England and a doubt whether a trading corporation could have a right to acquire on its own account powers of territorial sovereignty—these things compelled the nation's attention to the affairs of the East India Company, and the House of Commons appointed a committee to inquire into and

* Sir Courtenay Ilbert's 'Government of India.'

report upon various matters connected with the Indian administration of the Company.

A Royal Charter granted in 1698 had conferred upon the Company the authority to exercise civil and criminal jurisdiction at its settlements, and to maintain troops for their defence. The Act of Parliament of 1767 which allowed the Company to retain its territorial acquisitions and revenues for two years in consideration of the payment into the Exchequer of an annual sum of £ 400,000, was probably the first direct recognition by Parliament of the territorial acquisitions of the Company. Owing to its continuous wars the Company was verging upon a state of bankruptcy, notwithstanding the fact that the Directors were declaring large dividends. It was at last compelled to resort to Parliament for pecuniary assistance. Lord North's government availed itself of this opportunity to modify the system of the Company's administration of India.

The Regulating Act of 1773 recognized the territorial sovereignty of the Company and at the same time altered the constitution of the Courts of Proprietors and Directors and the system of Indian administration. The old President and Council in Bengal gave place to a Governor General and Council of four members, vested with the power of superintending and controlling the management and government of the other Presidencies which were to be governed by a President and a Council as before. The first Governor General appointed under the new arrangements was Warren Hastings, already President of the Council of Bengal. This attempt at regularising the government of the Company's possessions in India, particularly in Bengal, did not solve the question of efficient and smooth administration, and grave defects soon manifested themselves in the system thus set up.

9. Territorial and Administrative Progress.—Before Hastings retired from the Governor Generalship,

the limits of the Company's territories and of its influence had extended by the annexation of Benares and by the part it took in the Rohilla War, though the entanglement of the Bombay Government in a conflict with the Marathas ended in a discomfiture, and the struggle with Mysore was not more successful. British conflict with the native powers in India was complicated, as before, by the attempt of the enemies of England, in Europe and in this country, to weaken the position of that nation by distracting its energies in different directions. But till the out-break of the war with the French Republic, Indian affairs were little affected by the European relations of England.

This period was, however, marked by discussions in British Parliament on the proper regulation of Indian affairs, and Mr. Pitt's India Bill was passed to place the administration of India on a satisfactory basis. Lord Cornwallis was the first Governor General appointed under the new system introduced by the above Act. Though desirous of pursuing a policy of peace and economy, he found his hands forced by Tippu, who was, however, badly beaten in the war which ensued and was shorn of a considerable portion of his territory. The name of Lord Cornwallis is associated with important administrative changes, chief among them being the establishment of the permanent settlement in Bengal, the reorganization of justice and codification of the law.

The administration of Sir John Shore was not very conspicuous for energy, except what he displayed in strengthening the British position in Oudh, and the prestige of the British name was not a little shaken in the South. This policy of non-interference was abandoned by Lord Mornington, better known as Marquis Wellesley, who became Governor General in 1798 and a conscious attempt also was made by him to make the British power the dominant force in India. It was feared

that Napoleon's ambitious designs might spread to this country and Tippu was already looking to France for co-operation. Wellesley took prompt action. Tippu was vanquished and his territory was partitioned between the Nizam and the Company, the latter, of course, receiving the lion's share. Wellesley's famous subsidiary treaties with Oudh and the Nizam and his brilliant achievements in the war with the Maratha chiefs, contributed largely to the extension of British power and the recognition of its supremacy throughout the country.

The authorities in England were alarmed at this tremendous activity and aggression, and a brief period of lull succeeded. But the British had now come to occupy such a peculiar position in India that it was not possible for them to look passively on the disturbances that were going on all round their dominions. They had to wage wars upon the Gurkhas, the Maratha chiefs and the Pendharis. Hastings succeeded in putting down the freebooters and in reducing the Maratha chiefs to the position of 'subsidiary' allies. The Peshwa, the head of the Maratha confederacy, was pensioned off and his territories went to extend the bounds of the Bombay Presidency.

Almost the whole of Northern India now owned the unchallenged sway of the British power, and its gradual extension into parts of the country which now form British India, was only a work of years. Thus the Burmese War of 1824 threw the provinces on the eastern border into the hands of the British, and Sind was conquered in 1843. When the charter of the East India Company was renewed in 1833, important changes were effected in the constitution of the Indian government, and the Company's functions as traders were abolished. The Governor General of Bengal became the Governor General of India, and increased control was vested in the Supreme Government over provincial administrations.

10. Further Acquisitions.—The plan of this chapter does not require any elaborate description of the successive steps made by the British power towards the acquisition of the territories on its confines towards the East and the West. Since the beginning of the nineteenth century the attention of the British Government had been seriously drawn to the anxious situation in the Punjab and Afghanistan. The essence of its policy had been to insure that Afghanistan should be an effective buffer against any possible combinations into which France, Persia and Russia might enter. It was equally essential to maintain friendly relations with Ranjit Singh, the great Sikh ruler of the Punjab, while not allowing him to render the Sikh power a menace to British supremacy.

A despised and persecuted sect, the Sikhs had built up a formidable organization, and their army was one of the bravest the British troops had to encounter. In Ranjit Singh they had an intrepid warrior and an astute statesman for their ruler, and their relations with the British Government were tolerably friendly during his life-time. The death of the Lion of the Punjab was, however, followed by anarchy of the worst kind. The 'Khalsa' was animated with the ambition of making a bid for supremacy in Northern India and of measuring swords with the British. It, however, failed, and in four desperately contested battles the Sikh army was crushed and reduced to submission. The peace which followed, was, however, of a very short duration, and the second war which ensued, resulted in the total discomfiture of the Sikhs and the annexation of the whole of the Punjab.

Lord Dalhousie followed what is called the annexation policy, in its full rigour. Every opportunity offered by misrule or domestic feuds in a dependant native state, was availed of for annexing the territory of the state, and many such opportunities occurred during the time of Dalhousie. There were no less than a dozen cases where

native territories were held to have lapsed to the British government, and of the states so annexed, those of Nagpur, Satara, Oudh and Jhansi were important. The Company's territories thus advanced at a bound, and British rule now rested upon extensive foundations. Their strength was, however, to be tested by the sudden outburst of the Sépoy Mutiny. This revolt of the misguided and discontented sepoys was the last unfortunate trouble which disturbed the internal peace of this continent. It was followed by an altogether new epoch in the history of India, and the sixty years which have elapsed since then, have been a period of tranquillity, of orderly government and progress. The period of territorial acquisition and expansion closed and one of organization and consolidation commenced.

The following brief account tersely summarises and brings up to date the history of the successive steps by which India came gradually under the authority of the British Power. A further and more detailed reference to some of these acquisitions will be found in the Fourth Chapter:—

In 1765 the Provinces of Bengal, Behar and Orissa (old) and the Northern Circars were granted by the Emperor of Delhi. The first three Provinces were attached to Bengal and the last to Madras. On the annexation of the Districts of Benares in 1775 they were attached to Bengal. The districts ceded and conquered after the Mysore wars in 1792 and 1799, the territories of the Maharaja of Tanjore who retired on a pension in 1799, the districts ceded by the Nizam in 1800 and the territories of the Nawab of Carnatic, who too retired on a pension in 1801, were all attached to Madras. Thus practically the whole of Madras Presidency was acquired by 1801. Allahabad and other districts ceded by the Nawab of Oudh in 1801, the districts of Delhi, Agra, Mathura &c., and Orissa (present) were conquered from and ceded by the Marathas in 1803, and they were all attached to Bengal.

Between the years of 1800 and 1805 the districts of Surat, Broach and Kaira were acquired from the Nawab of Surat and the Gaekwar; they were attached to Bombay. After the Nepal War in 1815 Dheradun, Kumaon, Garwal and Simla were acquired and attached to Bengal. Thus practically the whole of the Province of Agra was acquired by 1815. Ahmedabad was acquired from the Gaekwar between 1802-17 and was attached to Bombay. In 1818 after the last Maratha War the bulk of Maharashtra and several districts in the Central Provinces were acquired from the Marathas. Except the Central Provinces districts all these territories and the rest of Maharashtra which was acquired from the

Nizam and the Kolhapur Maharaja between 1819 and 1827, were attached to Bombay. Thus practically the whole of Bombay Presidency, except Sind was acquired by 1827.

Ajmere-Marwara was acquired in 1818 from Scindia and was placed under the Agent to the Governor General in Rajputana. After the first Burmese War Assam, Arakan and Tenasserim were annexed in 1826. Assam and Arakan were attached to Bengal, Tenasserim was placed under a Commissioner directly under the Supreme Government. After the Kol Rebellion Chota Nagpur was annexed in 1838 and placed under the S. W. Frontier Agency, later on it was annexed to Bengal in 1854. Coorg was annexed in 1834 and placed under the Resident of Mysore. Between 1829 and 1835 Shillong and other hill tracts in Assam were acquired and were attached to Bengal.

In 1836 all the territories west of Peshawar were separated from Bengal and were placed under a Lieutenant-Governor and called North-Western Province. In 1837 on the deposition of the Raja, Satara was annexed and attached to Bombay. Since 1840 the district of Jalum, Jhansi and Lalitpur were annexed and attached to North-Western Province. Sind was attached to Bombay shortly after its conquest in 1843. After the first Sikh war Jalandhar Division was ceded in 1846 and the Punjab was annexed in 1849. The Punjab was at first placed under a Board of Administration, and soon after, a Chief Commissioner; but in 1859 with Delhi and some other districts it was formed into a Lieutenant-Governorship.

In 1852 after the second Burmese War Pegu was annexed and Arakan, which was detached from Bengal, Tenasserim and Pegu had three separate Commissioners over them and were directly under the Supreme Government. In 1854 the territories of the Raja of Nagpur were escheated and were placed at first under a Commissioner directly under the Supreme Government, but in 1861 with two districts from the North Western Provinces they were placed under a Chief Commissioner and the province was named the Central Provinces. In 1858 Port Blair was made a convict settlement and under its superintendent the islands of Andaman and Nicobar were placed.

Oudh was annexed in 1856 and placed under a Chief Commissioner. By 1860 Dajeeeling and Jalpaiguri districts were acquired from Bhutan and attached to Bengal. By the treaties of 1835 and 1860 Berar was assigned by the Nizam, but it did not form a British Province. In 1861 the Purnamahals were ceded by Scindia and attached to Bombay. In 1862 all the Burmese territories (Lower Burma) were placed under a Chief Commissioner. So was Assam with certain Bengal districts in 1874. In 1877 Oudh was placed under the Lieutenant-Governor of North-Western Provinces, who became Chief Commissioner of Oudh as well. In 1886 Upper Burma was annexed and placed under the Chief Commissioner of Burma, Lower and Upper, and in 1897 the province was raised to a Lieutenant-Governorship. In 1887 British Baluchistan was placed under a Chief Commissioner.

In 1901 with a few districts detached from the Punjab, North-Western Frontier Province was created and placed under a Chief Commissioner. In 1903 Berar was leased in perpetuity by the Nizam and attached to the Central Pro-

vinces. In 1905 several districts of Bengal with Assam were formed into a new province, and East Bengal and Assam were placed under a Lieutenant-Governor. In 1912 Assam was replaced under a Chief Commissioner, as it was since 1874, the provinces of Behar, Orissa and Chota Nagpur were detached from Bengal and made a Lieutenant-Governorship with a Council and called the Province of Behar and Orissa, and Bengal proper was raised to a Governorship. In the same year the city and district of Delhi were detached from the Punjab and placed directly under the Supreme Government as metropolitan area.

II. Company Disappears.—The anomaly of the government of such a vast country as India by an avowedly trading corporation, had been perceived and its monopoly of trading with the East had been taken away. It was felt that the time was ripe when the administration of India ought to be assumed by the Crown. The control of the British Parliament over the affairs of the Company was an old thing, and the complete sovereignty of the British nation over all its acquisitions and conquests which had been theoretically admitted, was made an accomplished fact in 1858 when the Government of India was transferred from the hands of the Company to those of the Crown. The statute of 1858 abolished the East India Company and the Board of Control, and transferred the responsibility of the government of this country to a Secretary of State who must be a member of the British ministry and thus amenable to the control of the Parliament and the Crown.

The last sixty years have been, in India, a record of unbroken progress, the seeds of which were sown in the regime of the East India Company. Modern institutions were established and measures were taken for the social and economic amelioration of the people. Evils such as those of sutee, infanticide and thuggee, were sternly put down, provision was made for the imparting of Western education, roads were improved and the construction of railways and canals undertaken. The seeds of these reforms sown by the liberal-minded administrators of the time of the East India Company, soon sprouted into

healthy plants whose growth has been vigorously going on all these years. The last few years especially, have witnessed big strides made by India in the path of peaceful progress and the elevation of its people to a higher status.

The machinery carrying out, in this country and in England, the beneficent government of India, is very complex, and a knowledge of its constitution and working is essential to every citizen. It is the object of the following chapters to explain to the average reader the various parts of the administrative mechanism, their mutual relations and their operation. The constitution of the Indian Government is so unlike what the people of this country were familiar with before the development of British rule and also so different from the frame-work of governments in other countries, that it forms an excellent subject for a deeply interesting study.

Besides, the knowledge the average educated Indian—not to speak of the mass of people—possesses of the machinery of administration, is so vague and scanty that a brief and popular account of it would hardly be superfluous. Nay, it has become absolutely essential at the present moment, in view of the larger association of the people of India in the Government of their country which was made possible by the liberal policy associated with the Council Reforms of 1909 and of the hopes which have been roused in the public mind with regard to the further constitutional reforms expected and claimed on all hands. Not only those who are directly connected with legislative and administrative work, but every ordinary citizen too who aspires to do his duty by himself, his countrymen and his Government, must acquire a decent knowledge of the nature and methods of the administration and governance of his country.

12. Area and population.—As the various parts of this sub-continent came gradually under British sway, one

after another, during the course of the 18th and the 19th centuries, a systematic division of the country into administrative units on any linguistic or racial basis, was not to be expected. For the purpose of administration, however, what is called British India, that is, India directly ruled and administered by the British Government, is, including Delhi, split up into 15 territorial divisions of varying size. The total area of this whole territory is 10,93,074 square miles and contained, at the latest census, a population of 24,42,67,542 souls.

Besides British India and interspersed with its provinces, the Indian Empire contains extensive territories of Native Chiefs, viz. the Native States. The area of these territories is enormous, being more than a third of the total area of the Indian peninsula, though the population is only a little less than a fourth of the total for the whole Empire. The Native States 'consist of territory in India not being within His Majesty's dominions yet under his suzerainty, which in the case of 175 States, including those of the greatest importance, is exercised by the Supreme Government, and in the case of the remainder, numbering about 500, is entrusted to the Provincial Governments.' Many of them are too small to deserve the name of State, while some are as large as certain kingdoms of Europe.

All the Native States 'are subject to the control of the paramount power, which is exercised in a greater or less degree, according to the nature of the treaty subsisting with each State. Generally speaking, they have unrestricted civil and criminal jurisdiction, raise their own revenues, some of them levy customs on the frontier of their territories, and all of them maintain a military force, more or less disciplined and equipped, and in some cases, of considerable strength. But they have no political relations with other States and in the larger of them garrisons are furnished from the Indian army'.

The following table gives the area and the population of the British Provinces and the Native States, according to the Census of 1911.

PROVINCES.	Area covered by Census. sq. miles.	Total population.
1 Ajmere-Merwara	2,711	5,01,395
2 Andamans and Nicobars ...	3,143	26,459
3 Assam	83,015	67,13,635
4 Baluchistan	54,228	4,14,412
5 Bengal	78,699	4,54,83,077
6 Bihar and Orissa	83,181	3,44,90,084
7 Bombay (including Aden) ...	1,23,057	1,96,72,642
8 Burma (including Shan States &c.)	2,30,839	1,21,15,217
9 Central Provinces and Berar	99,823	1,39,16,308
10 Coorg	1,682	1,74,976
11 Madras	1,42,330	4,14,05,404
12 N. W. Frontier Province (Districts)	13,418	21,96,933
13 Punjab (including Delhi) ...	99,779	1,99,74,956
14 United Provinces	1,07,267	4,71,82,044
Total, British Territory...	10,93,074	24,42,67,542

STATES & AGENCIES.

1 Assam State (Manipur) ...	8,456	3,46,222
2 Baluchistan States	80,410	4,20,291
3 Baroda	8,182	20,32,798
4 Bengal States	5,393	8,22,565
5 Behar and Orissa States ...	28,648	39,45,209
6 Bombay States	68,864	74,11,675
7 Central India Agency	77,367	93,56,980
8 Central Provinces States ...	31,174	21,17,002
9 Hyderabad	82,698	1,33,74,676
10 Kashmir	84,432	31,58,126

		Total covered by Census. sq. miles.	Total population.
11 Madras States (including Travancore and Cochin) ...	...	10,084	48,11,841
12 Mysore ...	...	29,475	58,06,193
13 N. W. Frontier Province (Agencies and Tribal Areas) ...	...	25,500	16,22,094
14 Punjab States ...	...	36,551	42,12,794
15 Rajputana Agencies ...	...	1,28,987	1,05,30,432
16 Sikkim ...	...	2,818	87,920
17 United Provinces States (excluding Benares) ...	...	5,079	8,32,036
Total, Native States...		<hr/> 7,09,118	<hr/> 7,08,88,854
Grand Total, India ...	...	<hr/>18,02,192	<hr/> 31,51,56,396

CHAPTER II.

GOVERNMENT OF INDIA.

CONTENTS.

13. From Company to Crown. 14. The Regulating Act. 15. The Charter Acts. 16. Creation of Provinces 17. The Central Government. 18. The Viceroy. 19. Governor General's Council. 20. The Departments. 21. The Executive Council. 22. System of Departments. 23. British Cabinet and Indian Council. 24. Extension of Executive Council Urged. 25. The Proposal Considered. 26. Functions of the Government.

✓13. **From Company to Crown.**—British India is governed by and in the name of His Majesty the King-Emperor. When in 1858 the government of this country was transferred from the hands of the East India Company to those of the British Crown, it was enacted that all rights which, if the Act of 1858 had not been passed, might have been exercised by the Company in relation to any territories, might be exercised by and in the name of His Majesty as rights incidental to the government of British India. It was provided that 'one of His Majesty's Principal Secretaries of State shall have and perform all such or the like powers and duties in any wise relating to the government or revenues of India and all such or the like powers over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company.' The number of the Secretaries of State who are entrusted with the duties of important departments in Great Britain, has varied from time to time. Previous to the Act of 1858 there were four Principal Secretaries of State, for Home, Foreign, Colonial and War affairs, but in addition to them, that Act authorised the appointment

of a fifth for administering the affairs of India. It is through this minister that the authority of the Crown over India is exercised in England and he has practically stepped into the shoes of the Board of Control which exercised that authority before the transfer of the Government of India to the Crown.

The Secretary of State for India is a member of the British Cabinet, and as the British ministry is responsible to the Parliament, the government of this country is ultimately and in theory subject to the authority and control of Parliament. The statutory powers claimed for the Secretary of State for India are very wide and are undisputed though their exercise in certain circumstances may be resented as injudicious and uncalled for interference. Subject to this authority, 'the superintendence, direction and control of the civil and military government of British India is vested in the Governor General of India in Council.' It was impossible in the conditions of the eighteenth century, when opinions and orders of the authorities in England took months to reach India, for those authorities to direct the administration of this country in all details from such a distance, and in practice large powers had to be left to the Government of India to be exercised, so to say, at their discretion.

In the last chapter we have briefly described the gradual steps by which the East India Company came to occupy a larger part of this peninsula in the course of the eighteenth and the first half of the nineteenth century. The territories acquired in the early years of the Company's rule in the South and the North-east, were administered in each settlement by a President and a Council composed of the servants of the Company, and the territories so administered were designated 'Presidencies.' Even now we speak of the Bombay and Madras Presidencies but the term Presidency is an anachronism. There is no reason in common sense or law why the part

of India administered by the Governor in Council of Bombay should be characterised as a Presidency any more than, for instance, the recently created province of Bihar and Orissa. The main divisions into which British India has been divided for purposes of administration, are all of them provinces, and whatever justification there may have been at one time for styling certain territorial divisions as presidencies, has now ceased to exist.

14. The Regulating Act—We have already referred in passing, to the circumstances which led to the active interference of the British Parliament in the management of its Indian possessions by the East India Company, in 1773, when the Regulating Act was passed. Some time before that the attention of the British public and Parliament had been seriously called to the abuses in the Company's administration of Indian affairs and it was felt that Parliamentary intervention had become inevitable. The financial condition of the Company was going from bad to worse though substantial dividends continued to be paid to the stock holders. It was heavily indebted, the army it had to maintain taxed its resources greatly and its servants enriched themselves at the expense of the general exchequer. *

When on the verge of bankruptcy, the Company approached Parliament in 1773 for financial assistance, and Lord North's government availed itself of that opportunity to overhaul the system of the administration of its Indian possessions. By the first of the two Acts

* The preamble of the Regulating Act stated :—" whereas the several Powers and Authorities granted by Charters to the United Company of Merchants of England trading to the East Indies has been found by experience, not to have sufficient Force and Efficiency to prevent various Abuses which have prevailed in the Government and Administration of the Affairs of the said United company as well at Home as in India, to the manifest Injury to the Public Credit, and the commercial interests of the said company ; and it is, therefore, become highly expedient that certain further Regulations better adapted to their present circumstances and condition, should be provided and established."

passed on this occasion, the pecuniary embarrassment of the Company was relieved by the grant of a loan and at the same time it was restricted from declaring large dividends until its financial position was materially improved. The other Act passed by Parliament was what is known as the Regulating Act. This was the first Parliamentary enactment designed to prescribe a definite system of government for the possessions of the East India Company in India.

As stated above, the settlements of the Company in this country were called Presidencies, there being three such, those of Fort St. George, Fort William and Bombay. They were independent of one another and the government within each was absolute and responsible only to the authorities in England. This system of government proved confusing and unworkable. By the Regulating Act the government of the Presidency of Fort William in Bengal was entrusted to a Governor General and four counsellors and that Presidency was declared to be supreme over the two other Presidencies. No attempt was, however, made to define the nature or scope of the authority of the Crown over the Indian possessions of the Company.

The first Governor General and the members of his Council were named in the Act, and after the expiry of the term of office, the power of appointing their successors was to be vested in the Company. It is interesting to note here that five years is now the normal period of the tenure of the higher offices in India such as those of the Governor General, Governors, Lieutenant-Governors and members of Council. Though this practice has the sanction of established custom, it has no statutory foundation. How extensive was the power over the minor Presidencies bestowed upon the Governor General and Council may be seen from the provisions of the Act which made it compulsory, except in case of imminent necessity, for the

Governments of those Presidencies to obtain the previous sanction of the Supreme Government before commencing hostilities or declaring war against any Indian princes or powers or negotiating or concluding any treaty with such princes or powers.*

15. The Charter Acts. We may pass over what is familiarly known as Pitt's Act of 1784 and merely observe in connection therewith that by it the Crown was empowered to appoint six Privy councillors for the affairs of India, who were invested with very large powers of superintendence and control over the affairs of the Company, the control of the Governor General and Council over the Governments of the other Presidencies was enlarged and the constitution of the councils of all the Presidencies was modified. The Charter Act of 1793 did not introduce any important alterations; by it the procedure to be followed in the Councils of the three presidencies was regulated and the powers of the Governor General in Council over the whole of British India were distinctly enunciated. Lord Wellesley's regime, which had witnessed extensive wars and large accretions to the territorial possessions of the Company, involved it once more in financial embarrassments, and a searching inquiry was made into its position by a committee appointed by the House of Commons. As a result, the Charter Act of 1813 granted the Indian possessions

* " ... and every President and Council of Madras, Bombay and Bencoolen, who shall offend in any of the cases aforesaid shall be liable to be suspended from his or their office by the order of the said Governor-General and Council, and every President and Council of Madras, Bombay and Bencoolen for the time being shall and they are hereby respectively directed and required to pay due obedience to such orders as they shall receive, touching the premises, from the said Governor-General and Council for the time being and constantly and diligently to transmit to the said Governor-General and Council advice and intelligence of all transactions and matters whatsoever that will come to their knowledge relating to the Government, Revenues or Interest, of the said United Company"—East India Company Act, 1773.

and revenues to the Company for a further term of twenty years, reserved to them for the same period China trade and the tea trade, but threw open the general trade of India, subject, of course, to certain restrictions. Thus the trading monopoly of the Company in India was gone, but the Act made no changes in the constitution of the government in this country.

When twenty years later, in 1833, the charter was again renewed, the constitution of the East India Company and the system of its administration in India, came in for considerable modifications. It is worthy of note that while the territorial possessions of the Company were to remain in its hands and under its management till April 1854, they and any additions that might be made to them in the interval, were to be held 'in trust for His Majesty, his heirs and successors for the service of the Government of India.' The Company's monopoly of the China trade and of the tea trade was abolished, and it altogether ceased to be a commercial body. Before this the Governor General had been Governor General of Bengal in Council. Now the "superintendence, direction and control of the whole civil and military Government in India were expressly vested in the 'Governor General of India in Council'."

A fourth member was added to this Council, who was not to be a servant of the Company and whose duty was confined entirely to the subject of legislation. The territories of the Bengal Presidency had become unwieldy on account of the additions made to it from time to time during the thirty years preceding the passing of the Act of 1833, and it was provided that Bengal should be split up into two distinct Presidencies to be called the Presidency of Fort William and the Presidency of Agra, the former being governed by the Governor General. This provision was not carried out, but by an amending Act of 1835, the appointment of a Lieutenant-Governor for

the North-Western Provinces was authorised, and the first appointment was made in 1836.

16. The Creation of Provinces.—The last of the Charter Acts was passed in 1853. The powers of the Company were continued but not for a definite period of twenty years as before, the Act simply providing that the Indian territories should remain under the Government of the Company, in trust for the Crown, until Parliament should otherwise direct. We have stated above that the Governor General was also the Governor of the Presidency of Bengal under the Act of 1833. It is easy to conceive how inconvenient and inefficient this arrangement must have proved, and the Charter Act of 1853 authorised the appointment of a separate Governor for that Presidency distinct from the Governor General.* As in the case of the North Western Provinces so in that of Bengal, the intentions of the legislature were not carried out. A Lieutenant-Governor was appointed for Bengal in 1854, and the Governor General was thus relieved of his charge of the administration of that Presidency.

The Province of Assam was carved out of Bengal in 1874 when eleven districts were separated from the Lieutenant-Governorship of the province and erected into an independent administration under a Chief Commissioner. In 1905, Assam, together with certain districts of Bengal, was detached from that province and formed into a separate administration under a Lieutenant-Governor. There was, seven years later, a rearrangement of the districts of Bengal and under it, Assam reverted to the position of a Chief Commissionership and a new province

* "It shall be lawful.....to declare that the Governor General of India shall not be Governor of the Presidency of Fort William in Bengal, and in such case a separate Governor shall be from time to time appointed for such Presidency accordingly".

was created out of Behar, Orissa and Chota Nagpur.† Bengal was given a Governor and was raised to the level of the two sister Presidencies of Bombay and Madras. In pursuance of the policy of making the Governor General thoroughly independent of provincial influences, the seat of his Government was transferred from Calcutta to Delhi, and that city, hallowed by old memories, was converted into the capital of modern India.*

The Act of 1854 empowered the Governor General of India in Council, with the sanction of the home authorities, to take by proclamation under his immediate authority any part of the territories for the time being under the government of the East India Company and provide for its administration. This power was exercised in creating Chief Commissionerships like those of Assam, Central Provinces and Burma. The Government of India was like-wise empowered to define the limits of the several provinces of India and it was enacted that the Governor General was no longer to bear the title of Governor of the Presidency of Bengal.

17. The Central Government.—The act of 1858 gave the finishing touch to the development of the constitution of the Government of India by declaring that British India was to be governed directly by and in the name of the Crown acting through a Secretary of State to whom were to be transferred all the powers

† His Majesty the King-Emperor was pleased to announce at the Delhi Coronation Durbar, December, 12th 1911, the creation of a Governorship for the Presidency of Bengal, of a new Lieutenant-Governorship in Council administering the areas of Bihar, Chota Nagpur, and Orissa, and of a Chief Commissionership of Assam.

* "The removal of the Government of India from Calcutta is, therefore, a measure which will, in our opinion, materially facilitate the growth of Local Self-Government on sound and safe lines. It is generally recognized that the capital of a great central government should be separate and independent and effect has been given to this principle in the United States, Canada and Australia."—Despatch from the Government of India to the Secretary of State for India, dated 25th August, 1911.

formerly exercised either by the Court of Directors or by the Board of Control. Subject to the authority of the Secretary of State, the Government of India is primarily responsible for the administration of the whole of this country and all provincial governments and administrations are subordinate to it. Besides the control it exercises over the principal Natives States, that Government has reserved to itself absolutely certain important departments in which the interests of the country as a whole are involved, such as those of foreign relations, defence, taxation, currency, railways, posts, telegraphs and so forth. The ordinary administration, the assessment and collection of revenue and departments like the medical and public works are left to the Governments of Provinces.

The ultimate responsibility of the Government of India for the good government of the country necessitates supervision and control over the Provincial Governments. It is calculated to serve as a regulating, unifying and co-ordinating central authority, and it lays down general policy for the guidance of local administrations, of course, subject to the peculiar requirements of the provinces. The departments which that Government has taken under its immediate charge, it is obvious, could not have been left to the Governments of the provinces. There is visible a tendency towards decentralization of authority ; and provincial autonomy, consistent with the healthy progress of the country as a whole, appears to be the goal of development.* As matters stand, however, the control of the Supreme Government is real and ex-

*"The only possible solution of the difficulty would appear to be gradually to give the Provinces a larger measure of Self-Government until at last India would consist of a number of administrations, autonomous in all provincial affairs with the Government of India above them all and possessing power to interfere in cases of misgovernment but ordinarily restricting their functions to matters of Imperial concern."—Government of India's Despatch, 25th August, 1911.

tensive and the local Governments have but little power of initiation.

18. The Viceroy.—At the head of the Government in India is the Governor General, who is also Viceroy or representative of the King-Emperor. As the term 'Prime Minister' is unknown to the British constitution, so the designation 'Viceroy', which has been commonly applied to the Governor General since the transfer of the Government to the Crown, is not recognised by law. When the assumption of the Government of India by the Crown was announced in the Queen's Proclamation of 1858, Lord Canning was referred to as 'the first Viceroy and Governor General'. † Since then the word has been commonly used to indicate the Governor General and the two terms are sometimes taken to be synonymous. He is appointed by the King by warrant under his sign manual, and usually holds office for a term of five years, though this period is nowhere legally defined.

The appointment of the Governor General is made on the advice of the Prime Minister, and he is usually selected from among English statesmen of high rank. In strict theory, the Governor General is merely president of his Council with a casting vote in case of equality. He has, however, power to overrule his Council or a dissentient majority in it, in respect of measures whereby the safety, tranquillity or interests of the British possessions in India are, or may be, in the judgment of the said Governor General, essentially affected.*

19. Governor General's Council.—It may be remembered that the Government of Fort William,

† "We..... do hereby constitute and appoint him, the said Viscount Canning, to be Our First Viceroy and Governor General in and over Our said Territories."

* The Government of India Act, 1915, (An Act to consolidate enactments relating to the Government of India.) Section 41.

constituted by the Act of 1773, consisted of the Governor General and four Councillors who were named in the Act. The Governor General and Council were bound by the votes of a majority of those present at their meetings, and in case of an equal division, the Governor General had a casting vote. By the Act of 1784 the number of members of the Governor General's Council was reduced to three, of whom the Commander-in-Chief of the Company's forces in India was to be one and to have precedence next to the Governor General. The Charter Act of 1793 confirmed this constitution, but made the appointment of the Commander-in-Chief as an additional member permissive and not obligatory, and the power of so appointing him has always been acted on from that time.

The Council was increased by the Act of 1833 by the addition of a fourth ordinary member, who was not to be one of the Company's servants and was not to be entitled to act as member of Council except for legislative purposes. The Act provided that one of the three ordinary Councillors, heretofore all appointed from the Civil Service, might be appointed from the Army. That Act deprived the subordinate Governments of the power of legislation which had been conferred upon them by previous Acts and vested the legislative power of the Indian Government exclusively in the Governor General in Council who had been, as stated above, reinforced by the addition of a fourth legislative member. The legislative power was restored to the Local Governments twenty years later.

The Indian Councils Act of 1861 modified the constitution of the Governor General's Council by adding to it a fifth ordinary member. Until 1859 the fourth ordinary member had always been a barrister, but in that year the financial difficulties of the Indian Government led to a vacancy in that office being filled up by the appointment of an experienced financier. Thus the

Council had no legal member for some time, and the Act of 1861, therefore, provided that the Council should consist of five ordinary members of whom three only must have served for ten years in India under the Company or the Crown and that one member was to be a barrister or advocate of five years' standing. Power was retained to appoint the Commander-in-Chief an extraordinary member. All the ordinary members were now placed on an equal footing, and henceforward held precedence in order of appointment, and took part in all the deliberations of the Council. A temporary vacancy in the office of the Governor General was filled up before this time by the senior ordinary member of his Council, but as the senior member for the time being might be a person without experience of Indian administration, it was provided that in the event of a Governor General temporarily vacating his appointment, the Senior Governor of a presidency should act as his *locum tenens*.

The Government of India Act, 1869, transferred from the Secretary of State in Council to the Crown the right of filling vacancies in the offices of the members of the Councils in India. Until that year only the two members who did not belong to the Indian service were appointed by the Crown, the remaining three being appointed by the Secretary of State in Council. Provision was made for the appointment of a sixth member for public works purposes by the Act of 1874. The Act was, for a long time, in abeyance and the Indian Councils Act of 1904, while continuing the power to appoint a sixth member of the Governor General's Council, removed the necessity for appointing him specifically for public works purposes.

20. The Departments. At present the Viceroy's Executive Council consists* of six 'ordinary' members

* "The number of the ordinary members of the Council shall be five, or if His Majesty thinks fit to appoint a sixth member, six."—Government of India Act, 1915, section 35, (2).

appointed by warrant under the Royal Sign Manual and of the Commander-in-Chief in India who is, under the statute, an extraordinary member appointed by the Secretary of State in Council at his discretion. These may be compared with British cabinet ministers inasmuch as each of them has charge of one or more of the various departments of the Government. The Governor General reserves to himself the Foreign Department, and the several other departments, except the Army and the Railways, are divided among the members of the Council. The six large departments thus distributed are (1) Finance (2) Home, (3) Legislative, (4) Revenue and Agriculture (5) Commerce and Industry, and (6) Education. The Army Department is controlled by the Commander-in-Chief who is always an extraordinary member. The Railways are in the charge of a separate Railway Board, which is composed of three experts and is represented in the Council by the Member for Commerce and Industry. One of the members of the Council is now an Indian.

The special functions of these different members have changed with changes made in these departments during the last fifteen years. Throughout the period, the Governor General has himself been in charge of the Foreign Department, and the Legislative Department has been in the hands of the law member. In 1902 the four remaining ordinary members (there were then five only) had charge respectively of the (i) Military, (ii) Public Works, (iii) Finance and Commerce, and (iv) Home and Revenue and Agricultural Departments. The Commander-in-Chief had no department under him. In 1905 a number of changes were made. A sixth ordinary member was added, to take charge of the new department of Commerce and Industry, and at the same time the Public Works Department (having transferred a large part of its work to the new department and to the Railway Board) became a joint charge with the Revenue and Agriculture

Department, while the Home Department became a separate charge. Later in the same year, the Military Department was replaced by the Army and Military Supply Department. The former was placed under the Commander-in-Chief, who thus for the first time received the charge of a department; the latter was in charge of a separate member, who replaced the member in charge of the Military Department.

In 1909 the Military Supply Department was abolished, and the responsibility for the whole military administration passed to the Commander-in-Chief as member in charge of the Army Department. Finally, in November 1910, a sixth ordinary member was again added to take charge of the newly constituted Education Department. At present, therefore, (i) the Foreign Department is under the Governor General, (ii) the Army Department under the Commander-in-Chief, and the (iii) Finance, (iv) Home, (v) Commerce and Industry, (vi) Education, and (vii) Legislative Departments have each a separate member, while the (viii) Public Works Department is a joint charge with the Department of Revenue and Agriculture, and Railways are in the charge of the (ix) Railway Board.

The ordinary members, like the Governor General himself, are appointed by His Majesty by warrant under the Royal Sign Manual, for a period of five years. The principle by which the appointments are supposed to be guided is that three of the ordinary members of the Council must be persons who, at the time of appointment, have been for at least ten years in the service of the Crown in India and one must be a barrister of England or Ireland or a member of the Faculty of Advocates of Scotland, of not less than five years' standing. The appointment of an Indian is a matter more of practice than of statute and was an important feature of the famous reforms initiated by

Lord Morley.* In practice, the members are mostly chosen from the Indian Civil Service, while specialists in finance or in the organization of commerce and industry, are selected from outside.

21. The Executive Council.—The Secretary of State is at liberty to advise His Majesty to appoint any person as a member and he usually submits names to the Crown on the recommendation of the Governor General. While the member of Council corresponds to the English Secretary of State, there is at the head of each department a Secretary to the Government, who is assisted by a staff of Deputy, Under and Assistant Secretaries, holding a position analogous to that of a Permanent Under Secretary in England. This Secretary prepares every case for the consideration of the Governor General or the Member in charge of his department and submits with it his own opinion on the matter. In ordinary cases the member passes orders and they are final, but when a matter is of particular importance involving serious difference of opinion or raising questions of policy, the case is submitted to the Council and its orders thereon are then issued by the Secretaries in charge. This procedure too is analogous to that of the British Cabinet to which specially important matters are submitted for discussion and decision.

All orders and other proceedings of the Governor General in Council must be expressed to be made by the Governor General in Council and must be signed by a Secretary to the Government of India or otherwise as the Governor General in Council may direct. At the

*“One point more. It is the question of one Indian member on the Viceroy's Executive Council. The absence of an Indian member from the Viceroy's Executive Council can no longer, I think, be defended. There is no legal obstacle or statutory exclusion. The Secretary of State can, tomorrow, if he likes, if there be a vacancy on the Viceroy's Council, recommend His Majesty to appoint an Indian member.”—Lord Morley's speech in the House of Lords, 17 December 1908.

ordinary meetings of the Council, in case there is a difference of opinion on any question, the Governor General in Council is bound by the opinion and decision of the majority of the members present and in the case of equal division, the Governor General or in his absence, the senior member of the Council, has the casting vote. The Governor General is, however, armed with power to act on his own opinion and overrule the majority in the Council when, in his judgment, the safety, tranquillity or interests of British India are essentially affected. But in every such case any two members of the dissentient majority may require that the circumstances of the case may be notified and that copies of any minutes which the members of the Council may have recorded on the subject must be forwarded to the Secretary of State. Besides the members of the Viceregal Council and the Secretaries of the various departments, there are several officers directly under the Government of India, such as the Directors General and Inspectors General whose duty it is to supervise the various imperial and provincial departments and advise them on matters with which they are connected.

22. System of Departments.—The departmental system by which the executive business of the Governor General in Council is transacted, is a growth of years. Originally, all public business of every kind was supposed to come before all the members of the Council, and questions were ordinarily decided by the majority, the Governor General having a casting vote in the case of an equal division. The Board system led to great confusion and reduced the Governor General to the helpless position of an ornamental figurehead. When Lord Cornwallis was offered the office of Governor General, he made it a condition of his accepting it that his powers should be enlarged. Accordingly an Act was passed in 1786 empowering the Governor General in special

cases to override the majority of his Council and act on his own responsibility.

In his life of Warren Hastings, Macaulay observes :—" At present, the Governor is, as to all executive measures, absolute. He can declare war, conclude peace, appoint public functionaries or remove them in opposition to the unanimous sense of those who sit with him in Council. They are indeed entitled to know all that is done, to advise, to remonstrate, to send protests to England. But it is with the Governor that the supreme power resides, and on whom that the whole responsibility rests.....In the time of Hastings the Governor had only one vote in Council, and in case of an equal division a casting vote. It therefore happened not unfrequently that he was overruled on the gravest questions ; and it was possible that he might be wholly excluded, for years together, from the real direction of public affairs."

In spite of the change introduced in 1786, the old conception still remained that the Government was to be carried on by the Governor General in concert with the whole Council. If in cases of serious difference of opinion, the Governor General was bent upon carrying his point in the face of the opposition of the majority of his Council, it was provided that both parties were formally to record their views. The members of the Council were thus mere advisers whose counsels might be accepted or not by the Chief. The latter had, however, a great responsibility thrown upon him, and a consciousness of that responsibility was a safeguard against the abuse of the extraordinary power enjoyed by the Governor General.

In the time of the Marquis Wellesley, the Council's share in the business of Government was merely nominal. The 'board' was but rarely consulted and orders were issued in the sole name of the Governor General. The procedure usually followed was most inconvenient and

cumbrous and as the work of Government grew with the acquisition of new territory and the progress of the country, the affairs could not be transacted by one individual or by the board collectively. This most unsatisfactory system was put an end to by Lord Canning who laid the foundations of the existing system under which each member is entrusted with responsibility for the management of one or more departments, and only important matters are referred to the Governor General and the whole Council.

When after the Mutiny the finances of India were thrown into confusion, Mr. James Wilson was brought out as an expert and was appointed a member of Council entrusted solely with the management of the financial business of the Government. A beginning was thus made towards the departmental system of the present day. This innovation was legalised by the Councils Act of 1861, which empowered the Governor General to make rules and orders for the more convenient transaction of business in his Council, other than the business at legislative meetings, and every order made or act done in accordance with such rules and orders was to be treated as being the order or the act of the Governor General in Council. Under this Act Lord Canning made rules by which the several departments of administrative work were distributed among the members of the Council. This system we now see in a fully developed form, and it has been compared with the cabinet system obtaining in England and other countries. It has also been likened to 'an absolute monarchy where the King rules through his responsible ministers but yet rules himself'.

23. British Cabinet and Indian Council.

The resemblance between the Indian Executive Council and the British Cabinet,† has been above indicated. But

For a further discussion of this subject, see Chapter VI.

there are certain points of difference which merit attention. The Governor General takes a more active part in the business of the departments than a Prime Minister under a cabinet government does. The secretary in charge of each department, attends upon the Viceroy at least once a week and thus the latter keeps himself in touch with the business of all the departments, though only a few matters are brought actually before the Council on the initiation either of the Governor General or the member in charge of the department concerned.

In England, where the party system prevails, the ministers belong to a particular political section which may, for the time being, command a majority in the House of Commons. They are men who hold identical opinions upon important political issues and come into and go out of power together. If a minister differs from his colleagues on any important question he must resign. The ministry is responsible to Parliament and is made and unmade by Parliament representing the electors. The British Cabinet is unknown to the constitution and is recognized only by long-established practice.

In India everything is different. The Viceroy's Executive Council is not responsible to the people who have absolutely no voice in the appointment of the members. What is called the opposition in India, or the electorate, has nothing to do with the personnel of the Viceregal Council, which cannot be turned out of office by popular vote. If a member cannot bring himself to share the views of his colleagues, even in matters of the most vital importance, he need not resign as he is usually a member of the Civil Service. The Indian Executive Council will truly resemble the British cabinet only when the members are elected by the people through their representatives and are responsible to them, that is to the legislature. As Mr. Fisher says, "The Indian Councils cannot

turn out a government and cannot make a government. The Indian Civil service is the government"*

24. Expansion of Executive Council Urged.—

The nine departments enumerated above, between them, cover the whole field of administration; to each is assigned a number of heads of business and it should be noted that though the names by which the departments are known, indicate generally the nature of their work, they are not to be taken as defining their scope exactly. Thus the Education Department, besides dealing with education, deals with other highly important subjects, including sanitation and municipalities. Most sources of revenue—opium, salt, stamps, excise and assessed taxes—fall within the province of the Finance Department. The Revenue and Agriculture Department is concerned, as regards revenue, only with land revenue.

Within a period of five years 1905-1910, the Executive Council of the Governor General was strengthened by the appointment of two new members in charge of the portfolios of Commerce and Industry and of Education, while during the same period one member of the Council in charge of the Military Supply Department, was abolished. We now find advocated the addition of a new Member to the Council, to be placed in charge of the Foreign-Political Department of the Government of India and another to take upon himself the responsibility for the Railways. It has been said above that each of the principal public departments of the Government of India is in charge of a Secretary and each member of the Governor General's Council is in general control of one or more departments, with the exception of the Foreign-Political Department and Railways.

We may repeat that there are at present six 'ordinary,' Members of Council, namely, (1) Finance, (2) Home, (3)

* The Empire and the Future, page 54.

Revenue and Agriculture, (4) Law, (5) Commerce and Industry, and (6) Education. The various departments are distributed among the respective Members of Council with the two exceptions mentioned above. The railways are in charge of a Railway Board, while the two Secretaries to the Government of India in the Foreign-Political Department deal directly with the Viceroy, who is his own Foreign Minister. This arrangement, it is felt, is not the best that can be devised, nor, it is contended, is it the most conducive to the public interest.

A reform in the existing machinery of the administration with a view to relieve the Viceroy of the growing burden of work in the Foreign Department and to entrust it to a separate Member of Council, was urged by Mr. C.E. Bunbury, C. S. I. in the *Contemporary Review* for February, 1913. The writer observed:—"The burden of social functions and public business devolving upon the Viceroy of India tends to increase year by year, with the result that he has less time available to devote to the affairs of the department which is supposed to be his especial charge. The consequence is that the disposal of business must be left more and more in the hands of the Secretary, and the time has now arrived for the introduction of a further reform in the administrative machinery by the creation of a Member of Council in charge of the Foreign-Political Department."

The writer then went on to describe the heavy work that falls to the share of the Foreign Department in connection with Turkish Arabia, Persia and the Persian Gulf, Muscat, Baluchistan, the North-West Frontier Province, Afghanistan and the larger of the Indian Native States, and set forth the machinery provided at the head-quarters of the Government of India to deal with questions appertaining to the Foreign-Political Department. He continued:—"Apart from non-gazetted officials and clerks the staff of the Foreign Office consists of one Secretary, two

Deputy Secretaries, one Under Secretary and one Assistant Secretary. That is the sum total of the agency provided at head-quarters to help the Viceroy in elucidating and deciding the multifarious and complex problems of foreign affairs and political dealings presented by this vast field, which stretches from Turkish Arabia and Persia on the West, to the confines of the Chinese Empire on the East, from the Pamirs on the North to Mysore on the South. However efficient the staff may be, is it entirely adequate? Surely the Department of Foreign Affairs, external and internal, is important and responsible enough to justify the appointment of a special Member of Council to take charge of it. This "*Onus*" should not be laid on the shoulders of the Viceroy, as if it were a mere detail of his duties."

25. The Proposal Considered.—With all this vigorous advocacy it can hardly be said that a case has been made out for the creation of a seventh member of the Viceregal Council. If the work of the Foreign Department has increased, the staff may be strengthened by suitable additions. But the work which the department is called upon to perform, involves the discussion of very delicate questions relating to foreign policy which the Viceroy alone is calculated to deal with. He is usually a statesman of wide experience and distinguished services and is always in direct touch with the Secretary of State and the Cabinet at home. Indian foreign policy must naturally be governed by larger considerations of Imperial interests and relations, and it cannot, without inconvenience and disadvantage, be left to a Member of Council. Similarly the larger Native States with whom the Foreign Department has direct relations, often present very delicate problems. The great Indian Princes, the allies of the Empire, look up to the Viceroy, the representative of the King-Emperor in India, for just and sympathetic consideration of their affairs which fall with-

in the purview of the Foreign-Political Department. They are most unlikely to approve of the change proposed by Mr. Bunbury, under which they will have to deal not with the representative of the King-Emperor but with a member of the Indian Civil or Military Service. The position they would come to occupy may appear to them undignified and is one they would hardly look upon with favour.

The addition to the Executive Council of the Viceroy of a Foreign Member being thus out of the question, another suggestion in connection with the Political Department may here be referred to. It was suggested that the machinery of that department might be strengthened by the appointment of a distinguished Indian of wide experience of Native States as Joint Secretary in the Foreign-Political Department. This officer would, it was said, be best fitted to handle questions relating to Indian States as he would have a better insight into their affairs and would enter into the feelings and sentiments of the Princes. While he would discharge the duties of his office efficiently, he would also bring his intimate knowledge and deep sympathies to bear upon his work. The strongest point of this proposal was probably regarded as its weakest argument and for that reason it cannot have received a fair consideration.

While Mr. Bunbury's proposal as to the creation of a seventh member of the Viceroy's Executive Council did not find favour with the responsible authorities, the other suggestion as to the appointment of a second Secretary in the Foreign-Political Department has been accepted and acted upon, though an Indian has not been selected for the post. This additional Political Secretary deals with all questions concerning the Native States and the other confines himself to purely foreign affairs. The new arrangement came into force on January 1st 1914, and the Viceroy selected Mr. J. B. Wood, C. I. E., of the

Political Department as the first incumbent of the new appointment. The creation of a member for Railways, is likely to be strongly urged on the ground that the Commerce and Industry Member cannot be expected to devote his attention to the multifarious and onerous duties which devolve upon him. But the Railway Board, practically in independent charge of the railways, is already there, and the creation of a special member for Railways does not seem to be called for.

26. Functions of the Government.—The Government of India performs a variety of functions, many of which, do not fall within the purview of the State in other countries. Being the central and superior authority in India, it can not leave those functions to the Provincial Governments whose sphere is limited to certain duties of a local character. The functions of the Government of India have been described in the Report of the Royal Commission on Decentralization as follows:—

“The Government claims a share in the produce of the land; and save where (as in Bengal), it has commuted this into a fixed land tax, it exercises the right of periodical re-assessment of the cash value of its share. In connection with its revenue assessments, it has instituted a detailed cadastral survey and a record of rights in the land. Where its assessments are made upon large land-holders, it intervenes to prevent their levying excessive rents from their tenants; and in the Central Provinces it even takes an active share in the original assessment of landlords' rents. In the Punjab, and some other tracts, it has restricted the alienation of land by agriculturists to non-agriculturists. It undertakes the management of landed estates when the proprietor is disqualified from attending to them by age, sex or infirmity, or occasionally, by pecuniary embarrassment. In times of famine it undertakes relief works and other remedial measures upon an extensive scale. It manages a vast forest property, and is a large manufacturer of salt and opium. It owns the bulk of the railways of the country and directly manages a considerable portion of them; and it has constructed and maintains most of the important irrigation works. It owns and manages the postal and telegraph systems. It has the monopoly of note issue, and it alone can set the mints in motion. It acts, for the most part, as its own banker, and it occasionally makes temporary loans to Presidency Banks in times of financial stringency. With the co-operation of the Secretary of State it regulates the discharge of the balance of trade as between India and the outside world, through the action of the India Council's drawings. It lends money to municipalities, rural boards and agriculturists and occasionally to owners of historical estates. It exercises a strict control over the

sale of liquor and intoxicating drugs, not merely by the prevention of unlicensed sale, but by granting licenses for short periods only, and subject to certain fees which are usually determined by auction. In India, moreover, the direct responsibilities of Government in respect to police, education, medical and sanitary operations, and ordinary public works, are of a much wider scope than in the United Kingdom. The Government has further very intimate relations with the numerous Native States which collectively cover more than one-third of the whole area of India, and comprise more than one-fifth of its population. Apart from the special functions narrated above, the government of a sub-continent containing nearly 18,00,000 square miles and 30,00,00,000 people, is in itself an extremely heavy burden, and one which is constantly increasing with the economic development of the country and the growing needs of populations of diverse nationality, language and creed.

CHAPTER III.

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THE HOME GOVERNMENT.

CONTENTS.

27. Powers of the Secretary of State. 28. Are they excessive? 29. Responsibility to Parliament. 30. The Board of Control. 31. The India Council. 32. Position and Powers of the Council. 33. Revenues of India. 34. Working of the Council. 35. Reform of the Council. 36. End it or mend it. 37. The Ill-fated Bill.

27. Powers of the Secretary of State.—It need not be repeated that the sovereignty of the British Crown in India is exercised through the Secretary of State for India who inherits, subject to the rights of the India Council and the powers reserved to itself by Parliament, all the powers and functions possessed and performed by the Board of Control and the East India Company before the transfer of the Government of India to the Crown, and that the Secretary of State who is a member of the British Cabinet, is responsible to, and represents the supreme authority of Parliament. The Secretary of State may, subject to certain reservations, "superintend, direct and control all acts, operations and concerns which in any wise relate to or concern the Government or revenues of India, and all grants of salaries, gratuities and allowances and all other payments and charges whatever, out of or on the revenues of India." †

The statutory position of the Secretary of State on the one side and that of the Government of India on the other, are thus clear as also their mutual relations. But great controversies have raged round the question in the past, and a wide divergence of opinion upon the subject exists even to-day. It is supposed that the intention of

† Government of India Act, 1915.

the legislature has always been to invest the Government of India with large powers, that that Government is to have the right of initiative and that the Secretary of State representing Parliament is to be a check upon the Indian administration. But in 1870 the Duke of Argyll, the then Secretary of State, laid down the principle in explicit terms that the Government in India had no independent power at all and that the prerogative of the Secretary of State was not limited to a veto of the measures passed in India. He maintained that the Government in India were merely executive officers of the Home Government who held the ultimate power of requiring the Governor-General to introduce a measure and of requiring also all the official members of the Council to vote for it.

So far as the statutory provisions are concerned, the position at the present moment remains unchanged, however inconvenient or unsuited to recent altered conditions it may be. It is vehemently pleaded that the Secretary of State has been tightening his hold upon the Government in India, and his interference is as unnecessary as it is embarrassing to those on whose shoulders the responsibility of administration is directly thrown. In spite of the improvements in the means of communication between England and India, brought about during the past few years and the ease with which a knowledge of Indian affairs can be attained by the authorities in England, it must always be impossible for the latter to secure that grasp of Indian questions which men on the spot naturally possess. Public opinion in India is every day becoming more articulate and insistent, and since the expansion and reform of the Councils, the position of Government, if it is expected to look up to the Secretary of State in each and every matter and to carry out his behests in every thing, cannot but be very difficult. More independence is, therefore, claimed for the Government of India which is becoming more responsible to the people of this coun-

try and more subject to public criticism offered in the most legitimate and constitutional manner.

There is much force in these arguments, and the machinery in England and India which carries on the administration of this country, requires to be altered so as to suit the tremendous changes that are occurring in this country. That the Secretary of State who is a British politician with hardly any Indian experience and even the members of his Council, many of whom are retired Anglo-Indian officials, are not in intimate touch with the trend of events and of public opinion in India, cannot be denied. It is, therefore, but fair that considerable weight ought to be given to the views of the men on the spot who have to bear the burden of the actual administration. The Secretary of State is known to have set his face against certain measures and policy unanimously approved by the people and the Local and Supreme Governments in India. This is certainly not a very desirable state of things, and some improvement is urgently needed.

28. Are they excessive ?—One consideration that must, however, be borne in mind, in discussing this question is that public opinion in India, in spite of the Council reforms, can yet have little influence upon the attitude that Government here may take up or the general policy they feel inclined to lay down upon important questions. Many illustrations can be given to show the powerlessness of public opinion to affect the views and decisions of Government, which, in several cases, may not and do not reflect the views of the Indian people. Under the circumstances, the fresh and liberal mind that the Secretary of State, who is a trained politician, born and brought up among the British traditions and institutions of liberty, is calculated to bring to bear upon the problems coming up before him, is invaluable to the progress of this country. If he lacks that

close grasp of affairs which is the *forte* of the man on the spot, he possesses something equally important which the latter can never have, *viz.*, an open mind, a wide outlook and liberal tendencies. If the existing system has certain drawbacks, it has some advantages also in the present posture of affairs.

The whole issue was raised by Sir (then Mr.) Valentine Chirol in the articles* he published on India in the *London Times* some years ago. He gave expression to the feeling of certain critics of the Secretary of State who, according to them, had made himself an autocrat and reduced the Indian Viceroy to the position of a mere agent of his, only doing his bidding in this country. Lord Morley, who was then the Secretary of State, felt called upon, in self-defence, to make a clear statement about the real situation, and in the *Nineteenth Century and After* of February 1911, he wrote an article entitled 'British Democracy and Indian Government' in which he discussed the cardinal question of the relation between the Secretary of State and the Governor General in Council. There had long been, he remarked, both in India and England, much loose, inaccurate and ill-informed argument on this important matter. The controversy came into full blaze in 1905, when, as Mr. Chirol had put it, the Viceroy of the day felt himself compelled to resign because he was overruled by the Home Government. The Viceroy had been described by the Under Secretary of State in the House of Commons,—and here he was, of course, echoing the sentiments of his Chief—as the agent of the Secretary of State. This position Lord Morley vindicated by maintaining that the British Cabinet, through the Secretary of State, had an inexpugnable right, subject to law, to dictate policy, to initiate instructions, to reject proposals, to have the last word in every question that arises and the first word in every question that, in their

* Indian Unrest, by Sir V. Chirol.

view, ought to arise. If the Cabinet is responsible to Parliament and Parliament ultimately responsible for the good governance of this country, it seems to follow that the Secretary of State must have the powers that are claimed for him. These powers are clearly and positively embodied in a number of statutes bearing on the constitution and the administration of India. Though the direct and personal representative of the King-Emperor, the Viceroy is still the servant of the Secretary of State, who, according to the statute, has the power of giving orders to every officer in India, including the Governor General. -

As has been said above, being thousands of miles away from this country, the Secretary of State is often liable to commit errors of judgment, and the view of the man on the spot cannot be lightly set aside. In his article in the *Nineteenth Century* Lord Morley showed that he did not ignore this aspect of the question and stated that a clash between the two authorities should never arise, and in fact, very rarely had arisen. "The only security that can be found for the smooth working of what is undeniably an extremely delicate piece of machinery, must be sought in the right judgment of the two partners." Though the Secretary of State is the predominant partner, with their common feeling of responsibility, patience and mutual regard and concord in fundamentals, everything would go on smoothly.

Sir John Strachey, who was himself a member of the Government of India for nearly nine years, under five Viceroys and afterwards a member for ten years of the Council of the Secretary of State, and who, therefore, felt himself entitled to speak with authority on this subject, was of opinion * that it was an error to suppose that the Secretary of State was constantly interfering in the ordinary work of the administration though various causes had made the relations between the two countries far

* 'India, its Administration and Progress' by Sir John Strachey.

more intimate than was formerly necessary or possible and had made more frequent the cases in which final orders could not be passed in India. Apart from the great political or financial questions, the number and nature of the references to the Home authorities, mainly depend on the character of the Governor General for the time being, and under normal conditions the Government of India is practically independent. Sir John was, however, constrained to admit that a body, constituted like the Home Government of India, was slow to move and was sometimes obstructive and that its general policy had been conservative and cautious. But he felt that the restraint from Home was salutary in as much as it served to moderate the zeal of the Government of India, who, in their anxiety for improvement, were sometimes more aggressive than was politically prudent. *

29. Responsibility and Parliament.—With this question of the relative powers of the Secretary of State and the Governor General, is bound up another equally important, that connected with the responsibility of the Home Government to the British Parliament and the control of the latter upon the government and administration of this country generally. So far as mere theory goes, the Government of India is, through the Crown, subject to the control of the British people, exercised by the House of Commons. In practice, however, India is governed, as it were, independently of the will of the people in Great Britain who evince little interest in the affairs of this country and do not feel called upon to exercise their indisputable right. Annually the Indian budget is presented to Parliament and passed as a matter of course, by an attenuated and languid House of Commons. The occasion is usually availed of to make a statement about the condition of India and to pass criticisms upon the policy and measures of Government.

Whether Indian questions should be made party

questions is a debatable point, but great anxiety is displayed to keep them out of the arena of British politics. One effect of this is that Indian affairs do not undergo that scrutiny in Parliament which is calculated to have a wholesome effect upon Indian administration, and Parliamentary control over the Government of this country remains only nominal. Questions are sometimes asked in Parliament which throw a much-needed light upon certain Indian problems and the Government are put upon their defence. It is only in this indirect manner that pressure may be brought to bear upon the Government at Home and in this country. Unlike that of the other members of the British Cabinet, the Secretary of State's salary is paid out of the Indian revenues.* In voting supplies for the various services the House of Commons gets an opportunity to criticise the administration but none such is available with respect to the India Office. The proposal to place the Secretary of State for India's salary on the British estimates, often made in Parliament and outside, has been stoutly opposed mainly on the ground that Indian affairs ought to be kept out of the pale of party politics in England.

While on the one hand, a more vigorous supervision and control over the administration of this country on the part of the British Parliament is advocated as essential in the interest of the better government of India, on the other hand, this interference by a body, the great majority of whose members are ignorant of Indian conditions, is resented as seriously injurious. If, however, the authority of Parliament and responsibility of the Government to the people of Great Britain, are to be anything but nominal, there is no escape from what is considered as the interference of the House of Commons. If there are

* "There shall be paid out of the revenues of India to the Secretary of State and to his under secretaries respectively the like yearly salaries as may for the time being be paid to any other Secretary of State, and his under secretaries respectively."—Government of India Act, 1915.

instances in which Parliamentary interference has appeared to be harmful, there are instances, likewise, on the other side in which it has had beneficial effects. *

30. The Board of Control—It is unnecessary in this place to give any detailed account of the early career and constitution of the East India Company which was ushered into existence by the grant of its first charter by Queen Elizabeth on the last day of the year 1600. It was essentially a commercial body, a 'company of merchants of London trading with the East Indies', on which important trading privileges were conferred. The Company cannot have dreamt of territorial sovereignty in India when it started on its career but it became practically sovereign of Bengal, Behar and Orissa by the acquisition of the right of *Dewan* in 1765. This power, so inconsistent with the character of a trading corporation, gradually extended and developed, but the Company had to share it with the British Crown and to part with its commercial monopoly, ultimately losing both in 1858.

Parliament made its first attempt to control the Indian Government of the Company by passing the Regulating Act in 1773. Its charters were renewed from time to time and modifications were made in its constitution to suit the changing conditions. The supreme management was in the hands of a Court of Directors and a Court of Proprietors. The qualification for a member of the former was the possession of £ 2,000 stock and in the latter case of £ 500 stock. There were twenty-four directors and they were re-elected every year. This constitution was not affected by the Regulating Act, which vested the administration of India in a Governor General and a Council in Bengal.

* In the time of the Company, at each renewal of its charter, a severe scrutiny was made into its affairs, and committees of the House of Commons were appointed specially for this purpose. This check being removed, Parliamentary supervision over Indian government became nominal. The old procedure cannot now be revived, and the remedy seems to be to shift the centre of gravity of authority from England to India and to transfer the control to Indian legislatures.

Pitt's Act of 1784, however, made an important change in the constitution of the Company by establishing the Board of Control, otherwise called the Commissioners for the Affairs of India. The Board was to consist of the Chancellor of the Exchequer, one of the Secretaries of State and four other Privy Councillors, all six holding office during the pleasure of the Crown. Three of them constituted a quorum. Full powers were conferred upon the Board which was authorised to "superintend, direct and control all acts, operations and concerns which in any wise relate to the civil or military Government or revenues of British territorial possessions in the East Indies". The Board practically became the master of the Company and could dictate to the Directors in each and every matter concerning the civil and military government and revenues of India, patronage alone being left unfettered in the hands of the Directors.

The Act of 1784 provided that a committee of secrecy, consisting of not more than three members, should be formed out of the Directors, and this committee was to dispatch orders to India without the knowledge of the other Directors whenever the Board of Control thought that the orders required secrecy. The actions and resolutions of the Court of Directors sanctioned by the Board could not be revised or altered by the other Court which was thus deprived of its one very important privilege. A modification was introduced in the constitution of the Board by the Act of 1793 which provided that two commissioners might be appointed from outside the Privy Council and that the members and staff of the Board be paid out of the Indian revenues. From this time all the power of the Board came practically to be concentrated in the hands of the President, and the Board was no more than a name.

By the Charter Act of 1833 the constitution of the Board was further modified and the qualification for

membership, *viz.* of belonging to the Privy Council, was omitted. Later on, the number of commissioners was gradually reduced till at last there remained only one commissioner, the President of the Board, and thus the word became a misnomer, one man constituting a board and being its president. We are accustomed to speak of the transfer of the Government of India to the Crown in 1858, but it will have been perceived that the Government was already in the hands of the Crown though the reality was concealed from the public view, all patronage of appointments in India having been left to the Court of Directors who prized the privilege very highly.

31. The India Council.—The Government of India Act of 1858 put an end to the administration of the Court of Directors and abolished the Board of Control, though the East Company itself was not dissolved till 1874. The Secretary of State, who was invested with the powers exercised by these bodies, was to be assisted by a Council consisting of fifteen members, eight of whom were to be appointed by the Crown and the remaining seven elected by the Court of Directors from among themselves. The majority of the persons so nominated and elected were to be persons who had served or resided in India at least for ten years, and, with certain exceptions, who had not left India more than ten years before their appointment. The members held their office during good behaviour and could be removed upon an address of both Houses of Parliament. They were not capable of sitting or voting in Parliament.

The Government of India Act of 1869 vested in the Secretary of State the right of filling all vacancies in the Council of India and the tenure of members of the Council was changed. The members were to be appointed for ten years and to be ineligible for reappointment except for special reasons which were to be set forth in a minute to be laid before both Houses of Parliament.

Seven years later, the Council of India Act, 1876, allowed the Secretary of State, for special reasons, to appoint any person having professional or other peculiar qualification to be a member of Council, during good behaviour, a tenure which had been abolished by the Act of 1869. This provision was introduced to enable the Secretary of State to bring into the Council lawyers and persons having financial and banking experience who were totally unconnected with India. The number of Councillors was reduced prospectively, from fifteen to ten by the Council of India Reduction Act, 1889.

By the Council of India Act passed in 1907 the Council now consists 'of such number of members not more than fourteen, as the Secretary of State may, from time to time, determine.' The members hold office for seven years and this term may, for special reasons, be extended by five years more. The majority of the members must be persons who have served or resided in India for at least ten years, and who have not left India more than five years before their appointment. The members are selected from among Indian ex-officials who have had administrative, financial or military experience. This arrangement is obviously designed to give to the Secretary of State, who cannot usually be expected to have much knowledge of the details of Indian administration, the assistance of a body of men who are in a position to give him expert advice.

In pursuance of the policy of constitutional reform initiated by Lord Morley when he was Secretary of State, two Indian gentlemen were appointed to vacancies in the Council, and though there is no statutory provision for these appointments, it seems to be an understanding that this practice of appointing Indians to the Council will be invariably continued. The advantage of this reform cannot be over-estimated. When the Secretary of State is called upon to consider large questions of policy, as he

often is, the counsel of these Indian gentlemen must prove invaluable as they are likely to know more of the inmost feelings of their countrymen than all the other members of the Council put together. This advantage is, however, likely to be lost unless great care is taken in the selection, and only such men are appointed as have a good deal of experience of public affairs in India and are in intimate touch with the mind of the people. If this principle of selection is not followed, the Indian members must prove more ornamental than useful.

32. Position and Powers of the Council. It would be an error to suppose that the position of the India Council is analogous to that occupied by the Court of Directors before 1858, inasmuch as the former does not possess any independent powers of action as the Court did. The Council of India conducts, under the direction of the Secretary of State, the business transacted in the United Kingdom in relation to the Government of India and the correspondence with India. Five members form a quorum and the Council may act in spite of any vacancy in the number of members. The Secretary of State, who is the President of the Council and has power to vote, may appoint any member to be vice-President.

Meetings of the Council are convened and held when and as the Secretary of State directs but one such meeting must be held in every week. The procedure* adopted with regard to meetings of the Council and orders to be sent out to India, will be clear from the following extracts from the Government of India Act of 1858:—

"At any meeting of the Council at which the Secretary of State is present, if there be a difference of opinion on any question other than the question of the election of a Member of Council, or other than any question with regard to which a majority of votes is hereinafter declared to be necessary, the determination of the Secretary of State shall be final.

"And in case of an equality of votes at any meeting of the Council, the Secretary of State, if present and in his absence the vice-President or presiding member, shall have a casting vote.

* See Government of India Act, 1915, sections 9 to 16,

" And all acts done at any meeting of the Council in the absence of the Secretary of State, except the election of a Member of the Council, shall require the sanction or approval in writing of the Secretary of State.

" And in case of difference of opinion on any question decided at any meeting the Secretary of State may require that his opinion and the reasons for the same be entered in the minutes of the proceedings, and any Member of the Council who may have been present at the meeting may require that his opinion, and any reasons for the same that he may have stated at the meeting, be entered in like manner.

" Every order or communication proposed to be sent to India and every order proposed to be made in the United Kingdom by the Secretary of State under the Act, shall, unless the same has been submitted to a meeting of the Council, be placed in the Council room for the perusal of all members of the Council during seven days before the sending or making thereof, except in the case hereinafter provided.

" And it shall be lawful for any member of the Council to record in a minute book to be kept for that purpose his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

" If a majority of the Council record, as aforesaid, their opinions against any act proposed to be done, the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

" Provided that where it appears to the Secretary of State that the despatch of any communication, or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the Council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the Secretary of State and notice thereof being given to every member of the Council, except in the cases hereinafter mentioned.

" Provided also that any order, not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India, through the Secret Committee of the Court of Directors to Governments or Presidencies in India, or to the officers or servants of the said Company, may, after the commencement of this Act, be sent to such Governments or Presidencies, or to any officer or servant in India, by the Secretary of State without having been submitted to a meeting, or deposited for the perusal of the members of the Council, and without the reasons being recorded, or notice thereof being given as aforesaid.

" Any despatches to Great Britain which might, if this Act had not been passed, have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the authorities sending the same.

" And such despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct."

33. Revenues of India.—When any order is sent to India directing the actual commencement of hostilities by His Majesty's forces in India, the fact has to be communicated to Parliament within three months after the sending of the order and if Parliament is not sitting at the time, then within one month after the next meeting of Parliament. The Governor General in Council is required to transmit to the Secretary of State constantly and diligently all particulars of all advices and intelligence and of all transactions and matters coming to the knowledge of the Governor General in Council and relating to the Government, commerce, revenues, or affairs of India.

The revenues of India are received for and in the name of His Majesty and may be applied to the purposes of the government of British India alone. The expenditure of the revenues of India, both in India and elsewhere, is subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of those revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of the Government of India Act, 1858, may be made without the concurrence of a majority of votes at a meeting of the Council of India. This appears like a constitutional check* upon the powers of the Secretary of State so far as expenditure of Indian revenues is concerned but it cannot be effectively exercised in various cases. The restraint also upon the powers of the Indian legislature to appropriate by Indian Acts to specific purposes,

* The India Council is regarded as a body deputed by Parliament to keep a watch over the Secretary of State and to see that his powers are not abused. 'The proper mode of regarding the Council of India is as a body deputed by Parliament to exercise a species of quasi-parliamentary control in certain matters over the Secretary of State for India and the authority so delegated is of course liable to be revoked'—H. D. Traill: 'Central Government,' page 112. The members of the Council cannot sit in Parliament and are not thus responsible in the discharge of functions entrusted to them.

provincial or imperial sources of revenue, would, it is believed, give rise to inconvenience in practice.

The revenues of India are not, without the consent of both Houses of Parliament, to be applied to defraying the expenses of any military operation carried on beyond the external frontiers of His Majesty's Indian possessions, except for preventing or for repelling actual invasion or under other sudden and urgent necessity.* Such portion of the Indian revenues as is remitted to the United Kingdom and all money accruing therefrom and any property or rights vested in His Majesty for the Government of India, must be paid to the Secretary of State and must be paid into the Bank of England to the credit of an account entitled 'The Account of the Secretary of State-in-Council of India.' The Secretary of State in Council is required,

* Thus India's offer to place an expeditionary force at the disposal of the Crown in the great struggle against Germany and to bear the expenses of that force as if it had stayed in this country, was formally accepted by Parliament, both Houses of which passed resolutions giving constitutional ratification to the arrangements made by Government in pursuance of a resolution unanimously passed by the Viceregal Council in that behalf. The resolution moved by Mr. Asquith, the Prime Minister, in the House of Commons, was as follows :—

"That His Majesty having directed a military force consisting of British and Indian troops charged upon the revenues of India to be despatched to Europe for service in the war in which this country is engaged, this House consents that the ordinary pay and other ordinary charges of any troops so despatched as well as the ordinary charges of any vessels belonging to the Government that may be employed in this expedition, which would have been charged upon the resources of India had such troops or vessels remained in that country or seas adjacent, continue to be so chargeable provided that if it shall be necessary to replace troops or vessels so withdrawn by other vessels or forces, then the expense of raising, maintaining and providing such vessels or forces shall be repaid out of any moneys which may be provided by Parliament for the purposes of the said expedition."

India's offer of a war loan of Rs. 150 crores was similarly accepted by both Houses of Parliament. The constitutional issue was raised at the time as to whether Indian revenues could be thus devoted but the wording of the statute is sufficiently elastic. The propriety of the Government of India's action in offering the contribution without directly consulting the Viceroy's Legislative Council was also discussed but the question was not pressed in view of the peculiar circumstances of the time.

within the first fourteen days during which Parliament is sitting, next after the first day of May in every year, to lay before Parliament a detailed account of the receipts and disbursements, in India and in England, and the account must be accompanied by a statement prepared from a detailed report from each province in British India 'exhibiting the moral and material progress and condition of British India' in each province.

The House of Commons goes into committee on the East India Revenue Accounts, and the Secretary of State for India or his representative in the House of Commons makes a statement explaining the accounts.* This opportunity is availed of also to review the general political and economic position in India and to state the policy pursued or proposed to be pursued in this country by the Government. Those who take any interest in India, criticise the measures and actions of Government and call for specific reforms. This is called the Indian Budget debate,† but the resolution in committee is purely formal, and the whole affair is tame from beginning to end, though very interesting speeches and important pronouncements are sometimes made on the occasion. The accounts of the Secretary of State in Council are examined and audited by an independent auditor appointed by His Majesty by warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer. The auditor and his assistants are paid out of the revenues of India.

34. Working of the Council.—By the Act of 1858 the Secretary of State is authorised to constitute committees of the Council of India for the more convenient transaction of business and to direct what

* Since the out-break of the War, this statement has not been made.

† Though the expenditure of Indian revenues must be placed before Parliament, that body does not pass the Indian budget and only abstract resolutions may be moved and passed.

departments of business are to be under those committees, and generally to direct the manner in which all business of the Council or Committees thereof is to be transacted. The Secretary of State has an establishment of two Under Secretaries and an Assistant Under Secretary, one Private Secretary and two Assistant Private Secretaries assisted by a large staff. The business to be done by the Council is distributed among the various departments, each of which is in charge of a permanent Secretary, and a Committee consisting of four or five members of the Council is appointed for the consideration of the questions coming before each department. The existing Committees are Finance, Political and Secret, Military, Revenue and Statistics, Public Works, Stores and Judicial and Public. Each member is usually called upon to serve on two committees and may be transferred from one to another.

When orders are to be sent out to India, the Secretary of the Department concerned receives the orders of the Secretary of State on the matter and a draft is prepared. It is then placed before the Committee, members of which may raise objections and suggest alterations. The amended draft is submitted to the Secretary of State and if approved by him, is available for inspection to the other members of the Council. It is then brought up before a meeting of that body and formally passed with usually little amendment. Sir George Chesney comments upon this system as follows:—"And regard being had to the innate indolence of most men, especially of old men and to the natural disinclination (in itself a creditable feeling) of men experienced in business to appear obstructive, it will be understood that the experience and judgment of the Councillors are, to say the least, not turned to the best account. A strong man may assert himself and make his influence felt—a strong man will always do this in any circumstance—but he must go out

of his way to do it. And that of individual responsibility there is none, opinions being expressed collectively both in Committee and in Council and it will be recognized that the Indian Council as actually constituted, is not as efficient a body as it should be, and that its procedure at any rate needs to be reformed."*

35. Reform of the Council.—Sir George suggests that this defect may be corrected by giving the members of the Council specific administrative duties and responsibilities by placing them severally in direct executive charge of the different departments—in fact to reconstitute that body on a footing similar to that of the Governor General's Council in India. This Council, it will be recollected, was at one time merely a consultative body like the India Council of the present moment. But now each member of that Council has responsible charge of one of the Departments of the State. The Council of India reconstituted on self-same lines will, it is believed, be a more efficient body while the full responsibility and power he possesses of overruling the collective body will be retained undiminished by the Secretary of State. Lord Crewe, when Secretary of State, decided to introduce the suggested change and in a speech made in the House of Lords in July, 1913, he outlined his scheme.

The existing organization of the machinery of the India Council was, according to that scheme, to be modified by the elimination of the committees and the substitution for them of departments corresponding to those of the Government of India. Much of the routine work was to be done by these departments and they were to be encouraged to keep in touch with the corresponding departments in India. The number of the Council was to be reduced to eight, with a maximum of ten, and the salary was to be restored to the earlier figure of twelve hundred pounds a year. In view of the Finance Commission which was then making its inquiries, the Marquis

* Indian Polity.

could not put forth a definite proposal. His scheme was provisional and was advanced to elicit opinions upon it.

On 25th May, 1914, Lord Crewe introduced in the House of Lords his India Council Bill, the full text of which with an explanatory memorandum will be found at the close of this chapter. It was a luckless Bill as it pleased no body and there was a sigh of relief when the measure was rejected by the Lords at the second reading. The proposed reform of the India Council was viewed in different lights. In fact it is an old question, and the reform as well as the abolition of the Council, have been advocated for the past many years. As regards doing away with the Council, Lord Crewe said that he 'should certainly not abolish the Council or strip it of its powers.' He would only alter its procedure of work and reduce its numbers. The Bill roused a storm of hostile criticism on all sides and was attacked from two different ends. The *Times of India*, for instance, gave expression to the view that the real essentials of reform were, first, recognition of the principle that the enlargement of the Legislative Councils had made excessive interference by the Secretary of State an anachronism and secondly, that the isolation of the India Office should be broken down and living and continuous contact with the actual administration in this country, established in its place. Effective reform, that paper suggested, would make the personnel of the India Office an integral part of the personnel of the Government of India, and would make service at Whitehall, whether in the Secretariat or in the Council, part of the active service of the Civilian and not a resort at the end of his active work.

36. End it or Mend it.—Another view, which was shared by a larger section of people in this country, was that a body like the India Council was itself an anachronism and a cumbersome superfluity in the machinery of the Indian Government. It was contended that a body

consisting of retired Indian officials was not calculated to exercise an effective and a beneficial supervision upon the administrators of this country. It could not be expected to initiate or support advanced ideas on the various problems connected with the Government of this country. If the India Council was to be a real court of appeal and its control was to be anything but nominal, its reconstitution must be on lines other than those proposed by Lord Crewe.

The India Council must either be ended or mended. Those who are in favour of the former view contend that the Secretary of State for India ought to be able to do without his Council as the Secretary of State for the Colonies, for instance, does and they do not see much difference between the position of and the work to be done by the two. They would have, instead, a standing committee of a few independent members of Parliament who will supervise and control the administration of India. The Minority Report of Lord Welby's Commission recommended in this connection that "a sufficient number of representative Indians of position and experience should be nominated to the Council of the Secretary of State on the recommendation of the elected members of the Viceroy's and Local Legislative Councils."

In his memoir of the late A. O. Hume, Sir William Wedderburn proposed that as a beginning, representative Indians, selected in this way, might constitute not less than one-third of the Council; another third being officials; and the remaining third being selected from the most trusted public men in England, unconnected with the Indian administration. In view of the strides India is making in educational, social and political progress, this idea of the reform of the India Council deserved careful consideration. If it had been carried out, the true object of the Secretary of State for India's Council in London would have, to some extent, been

fulfilled. As it stands, the Council is certainly a useless encumbrance and Lord Crewe's proposed reforms would not have improved matters.

Another recommendation of the Minority Report that may be noted here was this: "In the time of the East India Company, a Parliamentary enquiry was held every twenty years, before the renewal of the Charter. From these enquiries date the most important reforms for the benefit of India. Also the prospect of such an enquiry tended to check abuses. This old practice should be revived by statute." Further, "in order to maintain the controlling authority over Indian expenditure, the salary of the Secretary of State for India should be placed upon the British estimates." Under existing conditions the control of the India Council is believed to be neither effective nor beneficial. Whenever it is effective it is usually obstructive to progress. If the Secretary of State for India is not placed upon the same footing as the Secretary of State for the Colonies, we should like to see the Council mended rather than ended, but mended not by the introduction of the departmental system but by the infusion into it of independent blood, English and Indian, so as to make it a living and impartial check upon the Indian Executive.*

37. The Ill-Fated Bill. But to resume the narrative of Lord Crewe's ill-fated India Council Bill. It did not meet with the approval of public opinion in India, nor did it enlist the sympathy of retired Indian administrators in England and other classes in this country. The one

* In their memorandum submitted to H. E. the Viceroy by nineteen elected additional members of the Imperial Legislative Council with regard to post war reforms, it is stated:—"The Council of the Secretary of State should be abolished. The Secretary of State should, as far as possible, hold in relation to the Government of India a position similar to that which the Secretary of State for the Colonies holds in relation to the Colonies. The Secretary of State should be assisted by two permanent Under Secretaries, one of whom should be an Indian. The salaries of the Secretary and the Under-secretaries should be placed on the British estimates."

characterised the reform as halting and extremely inadequate while the other regarded it as unsound in principle and mischievous in its effects. Lord Crewe put up a strong defence in favour of his Bill. He denied that the Council was going to be converted into an administrative body. There was no intention, he contended, of abolishing the procedure by the committee, but rather the occasions for nominating such committees were to be multiplied. He ridiculed the suggestion that the Secretary of State was grasping at power by eliminating the Council. He could not frame arbitrary rules which were liable to be challenged by either House of Parliament. The existing arrangement, he submitted, was highly cumbersome and inconvenient and the Bill made absolutely no difference in the India Office, the Indian Government or the Secretary of State in Council.

Lord Curzon saw absolutely no good in the Bill and moved the rejection of the measure as the only way of dealing with it. It was feared that the changes would have made the Secretary of State an autocrat and the Council an executive body. The provision in the Bill as to the nomination of two Indian members to be chosen from among a panel of forty people to be elected by the Indian Legislative Councils, did not satisfy the demand of those who wanted the direct election of three Indian members, while it struck some critics as a serious defect in the measure. People looking at the question from opposite points of view thus agreed in condemning Lord Crewe's Bill which died unsung and unwept, though there were a few who thought that the measure, if amended in certain particulars, might have become acceptable, and were sorry that such an opportunity to reform the India Council had been lost. In order to enable the reader to understand clearly the changes which had been proposed by Lord Crewe, we give below the text of the bill and a memorandum explaining its provisions.

THE INDIA COUNCIL BILL, 1914.

1:—(1) The Council of India constituted under the Government of India Act 1858 (which act as amended by any subsequent enactment is herein-after referred to as the principal Act) shall consist of such number of members, not less than seven nor more than ten, as the Secretary of State may from time to time determine.

(2) Unless at the time when an appointment is made to fill a vacancy in the Council, two at least of the then existing members of the Council were at the time of their appointment domiciled in India, the person appointed to fill the vacancy must be domiciled in India, and unless at such time as aforesaid six at least of the then existing members were at the time of their appointment either domiciled in India or were persons who had served or resided in India for at least ten years and had not ceased so to serve or reside more than five years before the date of their appointment, the person appointed to fill the vacancy must be either domiciled in India, or must have served or resided in India for at least ten years and have not ceased so to serve or reside more than five years before the date of his appointment.

The person appointed to fill a vacancy for which a person domiciled in India is alone eligible, shall be selected from amongst the persons whose names appear on a list of persons domiciled in India chosen for the purpose by the members (other than official members) of the Legislative Councils of the Governor General, Governors, Lieutenant-Governors and Chief Commissioners, in such manner, subject to such conditions and restrictions and in such number as may be provided by regulations to be made by the Secretary of State-in-Council, or by directions issued by the Secretary of State thereunder.

(3) The yearly salary to be paid to a member of the Council shall be one thousand two hundred pounds, provided that such members appointed after the commencement of this Act who at the date of their appointment shall be domiciled in India, shall be paid an additional yearly allowance of six hundred pounds.

(4) Where the Secretary of State is of opinion that a person possessing special qualification as a financial expert should be appointed to be a member of the council on special terms, he may, after recording a minute to be laid before parliament the special reasons for the appointment and the special terms on which the appointment is to be made, make the appointment and the person so appointed shall, notwithstanding anything in the principal Act, or this Act, hold office for such term and on such conditions, and shall in respect thereof be entitled to such salary and to such pension, and other rights and privileges (if any) as His Majesty may by Order in Council, in each case determine. Provided that not more than one person appointed under this provision shall be a member of the council at the same time.

2:—(1) Notwithstanding anything in section nineteen of the principal Act, it shall not be necessary for an order or communication sent to India or an order in the United Kingdom in relation to the government of India to be signed by a Secretary of State in such cases as the Secretary of State-in-Council may otherwise direct, but every such order and communication shall purport to be made by the Secretary of State-in-Council.

(2) For section twenty of the principal Act which relates to the powers of the Secretary of State to divide the council into committees, and to regulate the transaction of business in councils the following section shall be substituted—

It shall be lawful for the Secretary of State-in-Council to make rules and orders for the transaction of business as regards the powers which under the Act are to be exercised by the Secretary of State-in-Council.

“Provided that any such rule or order, so far as it affects any matter or question in respect of which the concurrence of a majority at a meeting is required by this Act, shall not be valid unless made with the concurrence of a majority of the members of Council present at the meeting of Council at which the rule or order is passed.”

(3) Such rules and orders as aforesaid may, notwithstanding anything in sections twenty-two, twenty-four, twenty-five and twenty-six of the principal Act, provide, as respects such matters as may be specified in the rules and orders.—

(a) for enabling powers of the Secretary of State-in-Council to be exercised otherwise than at a meeting of the council, and where necessary for that purpose, for dispensing with any requirement of the principal Act as to the concurrence of the majority of votes of members of Council;

(b) for dispensing with the necessity of submitting to Council or depositing in the Council Room for the perusal of members, orders and communications proposed to be sent to India or to be made in the United Kingdom by the Secretary of State, and of recording and notifying to members of Council the grounds on which any order or communication to India has been treated as urgent.

(4) At a meeting of the Council the quorum shall be three, and meetings of the Council shall be convened and held when and as the Secretary of State may from time to time direct.

(5) Any document required by the principal Act to be signed by two or more members of the council, either with or without the counter-signature of the Secretary of State, or one of his Under Secretaries or Assistant Under Secretaries may be signed in such manner as the rules and orders made by the Secretary of State-in-Council for the transaction of business in his council may prescribe, and any such document if signed in accordance with such rules and orders, shall be as valid as if it had been signed in accordance with the provisions of the principal Act.

(6) Section twenty-seven of the principal Act (which enabled the Secretary of State to send certain secret orders without communicating them to the members of his council) shall extend to any order, not being an order in respect of which concurrence of a majority at the meeting of the council is required by the principal Act which relates to any question gravely affecting the internal tranquillity of India, or the interests of India in any other country, or the peace or security of any part of His Majesty's Dominions, and which in the opinion of the Secretary of State is of the nature to require secrecy, and it is

further declared that the said Section shall apply to any order which the Secretary of State may send in reply to a despatch received and dealt with by him under section twenty-eight of the principal Act.

(7) All rules and orders made under this section shall be laid before Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent thirty days on which the House has sat after any such rule or order is laid before it, praying that the rule or order may be annulled, His Majesty in Council may annul the rule or order, and it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

EXPLANATORY MEMORANDUM.

The publication of the bill was accompanied by a memorandum explaining its provisions in the following terms:—

The object of this bill is to amend the Government of India Act, 1858. The Act of 1858 in transferring the Government of India to the Crown created the Council of India, defined its powers and those of the Secretary of State and prescribed in great detail the procedure to be followed in the transaction of business.

The Act of 1858 has, as regards the numerical strength of the Council and the conditions of office on it, been amended several times. The procedure for the transaction of business is practically unaltered.

By the Act of 1858 the strength of the Council was fixed at fifteen members of whom not less than nine were to be persons who at the time of appointment had served or resided in India for ten years and had not last left India more than ten years. The members were to hold office during good behaviour, but were removable upon an address of both Houses of Parliament. Their salary was fixed at £ 1,200 a year.

These provisions have since been altered. The Council now consists of such number of members, not less than ten and not more than fourteen, as the Secretary of State may from time to time determine. Nine members must be persons who at the time of appointment had served or resided in India for ten years, and had not last left India more than five years. The term of office is limited to seven years but the Secretary of State may re-appoint a member for a further period of five years. The salary is £ 1,000 a year. Since 1909 it has been the recognised practice of the Secretary of State to reserve two appointments on the Council for Indians.

The procedure for the transaction of business established by the Act of 1858 cannot be varied by rules. The powers of the Secretary of State in Council may be exercised only at meetings of the Council. A Council must be held every week and a quorum of five members is required. In certain matters, however trivial in themselves, the sanction of a majority of votes at a meeting is required. In other matters the Secretary of State may act alone, but except in cases where secrecy or urgency can be claimed, his proposed order must lie a week

on the Council table before it is sent. The Act contemplates that all business before coming to the Council should be dealt with in Committee, and the Council is divided for this purpose into several Standing Committees.

It is proposed by clause 1 of the Bill to make certain changes in the strength and composition of the Council, and in the emoluments of the members. Also to take power to make rules for simplifying the business procedure of the Council.

With a simplified procedure much of the unimportant work that now occupies the time of the Standing Committees and the Council would be disposed of by the Secretary of State in communication with and with the assistance of individual members, Committees being specially nominated by him when required. A Council of ten to fifteen members would then be needlessly large. It is proposed to fix the number at seven to ten, and return to the rate of salary of £ 1,200 a year allowed by the Act of 1858.

It is further proposed to convert the present practice of appointing two Indians to the Council into a statutory requirement, to provide that they shall be chosen from names submitted by Indian Legislative Councils, and to grant to them an allowance of £ 600 a year in addition to salary in view of the expense of residing out of their own country.

Provision is also made to enable the Secretary of State to appoint to the Council a financial member on special terms as to salary, pension and tenure of office. The necessity for an exceptional power of this kind has been recognised by the Royal Commission on Indian Currency.

Clause 2 of the Bill provides for the simplification of business procedure. It enables the Secretary of State-in-Council to make rules to modify the procedure prescribed by the Act of 1858. The rules as and when made are to be laid before Parliament. The requirement of a weekly meeting of the Council is also dispensed with and the quorum reduced. The opportunity is taken to enlarge in a way, which experience has shown to be desirable, the category of cases which may be dealt with by the Secretary of State in his "Secret" Department without informing or consulting his Council.

CHAPTER IV.

PROVINCIAL GOVERNMENTS.

CONTENTS.

38. Creation of Provinces. 39. C. P. and Berar. 40. Bengal and Assam. 41. Minor Provinces. 42. Status of Provinces. 43. Provincial Executive Councils. 44. Provincial Constitutions. 45. Regulation and Non-Regulation Provinces. 46. Division of Administrative Functions. 47. Demarkation of Spheres. 48. Provincial Claim to Greater Freedom. 49. Executive Council for the U. P.

38. Creation of Provinces.—Some idea has already been given of the growth of the Provincial Governments and of their relations towards the Government of India. The government of the East India Company's possessions on the West and the East coast, was, in each case, vested in a President and a Council, members of the latter being appointed from among the higher ranks of the Company's service. As acquisitions of territory were steadily made, they were added on to these Presidencies according as they lay in the south, the west or the east. By the Regulating Act,* the Governments in Madras and Bombay were made subordinate to the Government of the Presidency of Fort William, but in practice the former remained independent. With the gradual growth of the British Power in India, the Presidential territories steadily grew in size. The Presidency of Bengal, in particular, became unwieldy, and the desirability of carving a new province out of some of its territory, was urgently felt. The need of relieving the Governor General from the charge of any particular Presidency was likewise strongly felt.

* See pages 16 and 29 above.

The act of 1833 provided for the creation of a fourth Presidency, the Presidency of Agra, but the provision was not carried out. Instead of it, the proposal of the Court of Directors that a Lieutenant-Governor should be appointed to the Agra division of the Bengal Presidency, was accepted by the Board of Control and accordingly the Lieutenant-Governorship of the North West Provinces was created by the Act of 1835. The government of the remaining part of the presidency of Fort William, was carried on by the Governor General alone who had a separate establishment for that purpose, quite distinct from that of the Government of India.

Sind was annexed in 1843 and was afterwards placed under the Government of Bombay. At the conclusion of the first Sikh war, the British Government occupied the Punjab and appointed a Council of Regency, with a British officer, styled Resident, at the head to conduct the government of the territory on behalf of the minor Raja. As a result of the second Sikh War, the whole country was annexed. The direct control of the province was assumed by the Governor General in Council, and the executive government was vested at first in a Board of Administration and afterwards in a Chief Commissioner. It has been stated above that the intention of the Act of 1833 to divide the overgrown Presidency of Bengal into two different Presidencies, was not carried out but that a Lieutenant-Governorship was created for the North West Provinces.

The Charter Act of 1853 authorised the appointment of a separate Governor for that Presidency, distinct from the Governor General, and provided that until this separate Governor was appointed, the Court of Directors and the Board of Control might authorise the appointment of a Lieutenant-Governor of Bengal. No separate Governor was, however, appointed for that Presidency, and in 1854 a Lieutenant-Governor was put in charge

of Bengal. This form of government continued in that Presidency until, in 1912, the province was raised to the position of a full-fledged governorship.

39. C. P. and Berar.—The Raja of Nagpur having died without heirs in 1854, his kingdom was regarded as having lapsed to the British Power and was placed under a Commissioner and a staff of civil and military officers in the employ of the Company in India. The kingdom of Oudh was annexed in 1856, and the administration of the Province was entrusted to a Chief Commissioner. It was partially amalgamated with the North Western Provinces in 1877, and in 1901, owing to the formation of the North West Frontier Province and in order to avoid the confusion which would have arisen from similarity of names, the North Western Provinces became the Province of Agra, and with Oudh, they are now known as the United Provinces of Agra and Oudh.

After the Munity, the territory formerly known as the Delhi territory was transferred from the North West Provinces to the Punjab and the province thus enlarged was placed under a Lieutenant-Governor in 1859. The territorial division known as the Central Provinces was created in 1861 by detaching the Saugor and Nerbuda Territories from the North Western Provinces and adding to them the province of Nagpur. The Province thus constituted was placed in charge of a Chief Commissioner. The Burmese territories which had been ceded by the Court of Ava in 1825 and 1853 and which were placed under separate Commissioners directly subordinate to the Government of India, were, in 1862, amalgamated into the province called British Burma which was placed under a Chief Commissioner. After the last Burmese war, upper Burma was annexed in 1886 and this territory was joined to British Burma to form the Chief Commissionership of Burma. It was made a Lieutenant-Governorship in 1897.

Berar was assigned to the British Government by the Nizam in 1853 with the object of providing from its revenues the charges of the force permanently maintained, under the command of British officers, at his capital, called the Hyderabad contingent. Under the treaty of assignment, the Nizam was entitled to whatever surplus revenues remained after all necessary charges had been met. The province thus held in trust for the Nizam, was administered by a Commissioner, under the immediate orders of the Resident at Hyderabad. Difficulties and differences arose between the British Government and the Nizam as to the rights and claims of the latter on behalf of Berar. But all these were put an end to in 1902 during the Viceroyalty of Lord Curzon when a settlement was concluded by which, while the nominal rights of Nizam's sovereignty over Berar are maintained, he receives from the British Government a fixed annual payment of 25 lakhs of rupees. For purposes of administration the province is attached to the Central Provinces.

40. Bengal and Assam.—When Assam was acquired from the Burmese in 1824, it was attached to the province of Bengal where-from it was separated in 1874 and placed under a Chief Commissioner. In 1905 a large portion of the territory in the charge of the Lieutenant-Governor of Bengal was added to the province of Assam, and thus a new province styled Eastern Bengal and Assam was created and was made a Lieutenant-Governorship. It had long been felt that the province of Bengal, shorn of its territories for the creation of new political divisions and in the charge of a Lieutenant-Governor, was yet too bulky to allow of efficient management. Under a scheme conceived and carried out by Lord Curzon, therefore, the province of Assam, with its population of sixty lakhs was united with the eastern territories of the province of Bengal, as stated above.

Still further changes were made in 1912 when the

old province of Assam was reconstituted, the western half of the old province of Bengal was cut off to form a new province, that of Bihar and Orissa, and Eastern Bengal was reunited with the comparatively small area round Calcutta which alone had formed part of Bengal throughout all these changes, to form a new province of that name. At the great Durbar held at Delhi when Their Imperial Majesties the King-Emperor and the Queen-Empress visited India at the close of 1911, the announcement was made of the transfer of the seat of the Government of India from Calcutta to Delhi, the creation of a Governorship for the Presidency of Bengal and of the new Lieutenant-Governorship of Bihar and Orissa and the restoration of the Chief Commissionership of Assam.

41. Minor Provinces.—The North West Frontier Province was created in 1901 out of certain districts separated from the Punjab and some tracts lying upon the border. All foreign policy with respect to India is entirely in the hands of the Government of India, and this new province was constituted with the object of giving that Government direct control over the North West border where, from time to time, difficult questions arise with regard to the tribes occupying those parts and other powers beyond the border. The Chief Commissionership of British Baluchistan was created in 1889 out of Quetta purchased in 1876 from the Khan of Khelat and adjoining territory, some of which was almost no man's land, and some was acquired by treaty from Afghanistan.

The small mountainous principality of Coorg in Southern India was annexed in 1834 and is now administered by the Resident at Mysore who is *ex-officio* Chief Commissioner. The British district of Ajmer-Merwara in Rajputana, which was acquired in 1818, has for its Chief Commissioner the Agent to the Governor-

General in the Rajputana States. The Andaman and Nicobar Islands are under the Superintendent at Port Blair who is their Chief Commissioner. The province of Delhi, which came into existence on 1st October, 1912, consists of a part of what was formerly the Delhi district of the Punjab, lying to the west of the River Jumna and extending some distance north, south and west of the city of Delhi. The area of the province which is directly under the Government of India, is about 557 square miles, and the population is 3,91,828.

42. Status of Provinces.—To the list of territorial divisions of British India given at the close of the first chapter, must now be added the Imperial Province of Delhi which raises the total number of provinces to fifteen. The steps by which they came into being have been described above. The provinces vary in size, population and status. Some of them are small charges hardly worthy of the name of province, but for the sake of convenience, we may say that British India is now divided into fifteen provinces each having its Local Government. All of them alike are under the superintendence and control of the Government of India, but the degree in which that control is exercised differs in accordance with the difference in status between the Provincial Governments.

The larger provinces, occupying a high status, are usually spoken of as Major provinces and the rest as Minor. Under the latter category come the North West Frontier Province, Baluchistan, Coorg, Ajmer, and the Andamans. We may enumerate here all the provinces of British India, major and minor.

Madras	Assam
Bombay	Central Provinces
Bengal	North West Provinces
Bihar and Orissa	Baluchistan
United Provinces	Coorg
Punjab	Ajmer
Burma	Andamans
Delhi	

It need hardly be recalled that the two provinces of Madras and Bombay have always occupied a special status as representing the old presidencies. They were originally independent of and on the same footing as the third presidency, *viz.* that of Fort William in Bengal till the latter was accorded, by the Regulating Act, a position of supremacy and control over the other Presidencies. Subsequent Acts enlarged the authority of the central Government, the Government of India, and they gradually came to be treated like the Governments of other provinces, the creatures of later legislation.

By statute every Local Government is required to obey the orders of the Governor General in Council, and keep him constantly and punctually informed of its proceedings, and is under his superintendence and authority in all matters relating to the administration of its province. The two provinces, however, still retain certain vestiges of their separate origin and former independence and enjoy peculiar privileges denied to other provinces. They are under a Council Government consisting of a Governor usually appointed from Home, with two civilian colleagues and an Indian member, who are nominated by the Crown on the advice of the Secretary of State. The Governors are appointed by the Crown and are usually chosen from among persons of high rank and administrative experience in the United Kingdom.

43. Provincial Executive Councils.—The powers and duties of the Governors in Council are regulated by Act of Parliament. They used formerly to exercise certain military control and authority but these were transferred to the Governor General in Council when the separate Madras and Bombay armies were abolished in 1893. The Governors, like the Governor General, have the power of overruling their Councils in special cases. Until 1909, the maximum number of the members of the

Executive Councils was three, and twelve year's previous service under the Crown in India was an essential qualification in every case. In practice each Council consisted of two members of the Indian Civil Service. The Commanders-in-Chief of the Madras and Bombay armies were always appointed extraordinary members of the Councils until the two Presidency armies were abolished.

The Indian Councils Act, 1909, enacted that 'the number of ordinary members of the Councils of the Governors of Fort St. George and Bombay shall be such number not exceeding four as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years'. Pitt's Act of 1784 had provided for three Councillors of whom the Commander-in-Chief in the Presidency was to be one. This number was reduced to two in 1833, the original intention of the Act of that year being to abolish the Councils of the two minor Presidencies. Under the provisions of the Act of 1909, each of the two Councils of Madras and Bombay, was enlarged next year, by the addition of an Indian member.

The arrangements made for the disposal of business are on the same lines as those adopted by the Government of India. The Presidency Governments of Madras and Bombay have the right of direct correspondence with the Secretary of State, except in matters which raise financial issues, and can appeal to him against the orders of the Government of India ; but such an appeal must go through, or be communicated to that Government. They have full discretion in the selection of officers for certain important posts which, in other provinces, rests finally with the Government of India, *e. g.* nominations to the Board of Revenue in Madras and to the Provincial Legislative

Councils, and the appointment of Chief and Superintending Engineers in the Public Works Department, and Conservators of Forests. They have, likewise, in practice, a free hand in the details of their district Land Revenue Settlements which, in other provinces, are subject to control by the Government of India. Similarly, they are less supervised in forest administration.

What has been said so far applies equally to the Government of Bengal which was placed in 1912 on the same footing as the Governments of the other two Presidencies. The Government of India Act, 1912, enacted:—"It is hereby declared that the Governor and Governor in Council of the Presidency of Fort William in Bengal shall, within that Presidency delimited as aforesaid, have all the rights, duties, functions and immunities which the Governors and Governors in Council of the Presidencies of Fort St. George and Bombay respectively possess, and all enactments relating to the Governors of those Presidencies and the Councils (whether for executive or legislative purposes) thereof and the members of those Councils shall apply accordingly to the Governor of the Presidency of Fort William in Bengal and his Council and the members of that Council."

44. Provincial Constitutions.—The circumstances under which the other provinces were created and the manner in which their Governments were constituted, have been described above. We have also pointed out how various Acts relating to the constitution of the government of Indian territories provided for the creation of Governorships and Lieutenant-Governorships, how no new Governorship was created and how only Lieutenant-Governors were appointed to territories as they came under British sway. The Act of 1854 empowered the Governor General of India, with the sanction of the Home authorities, to take by proclamation under his immediate authority and management any part

of the territories for the time being in the possession or under the Government of the East India Company and there-upon to give all necessary orders and directions respecting the administration of that part, or otherwise provide for its administration. This power has been exercised in the appointment of Chief Commissioners for Assam, Burma and the Central Provinces.

The Act of 1861 also empowered the Governor General in Council, with the previous approval of the Secretary of State in Council, to constitute a new province for legislative purposes, and if necessary, appoint a Lieutenant-Governor for any such province. Until lately the Provincial Governments in British India could be classed as :—

1. The Presidency Governments of Madras and Bombay administered by Governors with Executive as well as Legislative Councils.
2. The Lieutenant-Governorships of Bengal, the United Provinces, the Punjab and Burma having Legislative but not Executive Councils ; and
3. The Chief Commissionerships having neither Legislative nor Executive Councils.

A new type of Provincial Government was created by the appointment, in 1910, of an executive council to assist the Lieutenant-Governor of Bengal. By the Indian Councils Act, 1909, power was taken for the Governor General in Council, with the approval of the Secretary of State in Council, to create an executive council, consisting of not more than four members, to assist the Lieutenant-Governor of Bengal in the government of the province. Power was also taken to create a similar executive council in any other province under a Lieutenant-Governor provided that in the case of such a Council a draft of the proposed proclamation creating it must be laid before Parliament for not less than sixty days during the session, and if before the expiration of the time an

address is presented to His Majesty by either House against the draft, no further proceeding thereon can be taken.

The constitution and the system of work of the Bengal Executive Council, which was established in 1910, were the same as those in Madras and Bombay. As has been stated above, Bengal was placed upon a footing of equality with the sister Presidencies in 1912. The Government of India Act of that year made applicable to the newly constituted province of Bihar and Orissa the provisions of the Act of 1909 relating to the constitution of the Executive Council in Bengal. An executive council consisting of three members was thereupon established in Bihar and Orissa. The act of 1912 also empowered the Governor General in Council to create a legislative council in any Chief Commissionership and accordingly a legislative council was established in Assam in November, 1912.

The provinces of British India may now be reclassified as under, according to the status they occupy at the present moment and the constitution of their Governments.

PROVINCES.

1 Madras, Bombay and Bengal :

2 Bihar and Orissa :

3 United Provinces, Punjab and
Burma :

4 Assam and Central Provinces :

British Baluchistan, The North
West Frontier Province, Delhi
and the rest :

CONSTITUTIONS.

Governor in Council ; an Executive
as well as a Legislative Council.

Lieutenant-Governor ; an Executive
as well as a Legislative Council.

Lieutenant-Governor ; a Legislative
Council only.

Chief Commissioner ; a Legislative
Council only.

Chief Commissioner ; neither an Exe-
cutive nor a Legislative Council.

Lieutenant-Governors are appointed by the Viceroy subject to the approval of the Crown. They are selected from the members of the Indian Civil Service and must have been at least ten years in the service of the Crown

in India. In the absence of Executive Councils they are assisted in regard to some of the most important branches of administration, by Boards of Revenue or Financial Commissioners. On the lowest rung of the ladder stand the Chief Commissioners, the territories under whose charge are, in theory, under the immediate authority and management of the Governor General who appoints the Chief Commissioners at his discretion and delegates to them such powers as he deems necessary. Yet in practice, the powers of some of the Chief Commissioners are hardly inferior to those of a Lieutenant-Governor, and a Chief Commissionership is as much a local Government as a Governorship or a Lieutenant-Governorship. 'Local Government' is defined in the Indian General Clauses Act (X of 1897) as meaning 'the person authorized by law to administer executive government in the part of British India in which the Act or regulation containing the expression operates,' and as including a Chief Commissioner.

In all the major provinces, the work of Government is distributed among different departments dealing with the principal heads of internal administration such as Revenue, Judicial and Police, Local and Municipal, Financial, Public works, and Education. The Chief Engineers in the Public Works Department are also Secretaries or Joint Secretaries to the Local Government, while matters relating to the other Departments are dealt with by Secretaries and Under Secretaries drawn from the Indian Civil Service. There are three Civilian Secretaries in each province (there are two in the Punjab) and the distribution of the various Departments among these, varies according to local circumstances, and may change at different times in the same province. The senior Civilian Secretary is called the Chief Secretary, and the other Secretaries usually draw their designation from one of the principal departments with which they are concerned.

The organization of the Secretariats in the provinces is on much the same lines as in the Government of India, and cases are noted on and recorded in a similar way.

45. Regulation and Non-Regulation Provinces.—Something must be said here about the distinction—at one time real and important but now of little practical force—between what are called the Regulation and Non-regulation provinces. Under the first category came Madras, Bengal, Bombay excepting Sind and the United Provinces while the remaining provinces were relegated to the second class. The regulations concerned are the enactments of the Government which, for many years, constituted the body of public law. The Act passed by Parliament in 1773 amended by the Act of 1781 conferred upon the Governor General in Council at Fort William in Bengal power to make rules and regulations for the good government of the settlement. Later on, similar power was conferred upon the Governments of the other presidencies which issued their own regulations. This latter power was, however, withdrawn when in 1833 the Government of Bengal was made the Government of India and was empowered to make laws for the whole of British India. With the creation of a Legislative Council of India by the Act of 1853, this system came an end.*

The Regulations of the Government of India provide, among other things, for the establishment of courts of justice and lay down definite procedure for courts. It was, however, found that the procedure so prescribed was too complicated and inconvenient, borrowed as it had been from the English system, and many territories acquired from time to time were never brought under their operation and were placed under a simpler system. These provinces were not noticed specifically by Acts of Parliament as they were supposed to form part of one of

* See Chapter V on Legislative Councils.

the presidencies which alone were recognized. Thus arose the distinction between Regulation and Non-regulation provinces. The latter were ruled, at the outset, by simpler codes and with a greater centralization of functions in the hands of the district officers, who were recruited not merely from the covenanted (now Indian) Civil Service but also from the army and other sources. In all the Non-regulation provinces a new designation was adopted for the district officers. Thus they differed from the Regulation provinces or presidencies, both as to the system of law under which they were governed, and the form and composition of the administrative agency.

The Non-regulation provinces, as we have observed above, had no statutory recognition for a long time till the Act of 1861 gave retrospective validity to all legislation carried out by the Government of India in regard to them. They then came to occupy a definite position by the side of the presidencies, and the old distinction between them and the regulated provinces faded away when the Governor General's Council legislated for the whole of India and its Acts assumed general applicability. Now the two classes of provinces are administered almost on the same lines and the main distinctions still surviving are that in the Non-regulation provinces, the district officers are termed Deputy, and Assistant or Extra Assistant, Commissioners, instead of Collectors and Assistant or Deputy Collectors. The principal court of criminal and civil jurisdiction is there a Chief Court or a Commissioner, and not a Chartered High Court; and a number of military officers are still employed in the civil administration of Burma, Assam and the Punjab.

46. Division of Administrative Functions—

The Governor General in Council being responsible for the entire administration of British India, his control and supervision over the Provincial Governments are very large. Amongst the important matters the Govern-

ment of India retain in their own hands, are those relating to foreign affairs, the defence of the country, general taxation, currency, debt, tariffs, posts and telegraphs, railways and accounts and auditing. To the share of the Provincial Governments fall ordinary internal administration, police, civil and criminal justice, prisons, the assessment and collection of the revenues, education, medical and sanitary arrangements, irrigation, buildings and roads, forests and the control over municipal and rural boards. But even in these matters a general and constant control is exercised by the Supreme Government who lay down lines of general policy and test their application from the administration reports and returns relating to the departments under the Local Governments. Questions of policy or of special importance are submitted by the Provincial Governments for the orders of the Governor General in Council. The financial powers of the Local Governments in particular, are limited by definite and strict rules.

The Government of India employs, besides the controlling officers for departments which it directly administers, inspecting or advisory officers for some of the departments which are primarily left to the Local Governments, such as the Inspector General of Forests and the Director General of Archæology. There is, moreover, a wide field of appeal to the Government of India from officials or private persons who may consider themselves aggrieved by the action of a Local Government. The control of the Government of India is not confined to the prescription of policy and to action taken upon reports and inspections. They scrutinize, and where necessary, modify the annual budgets of the Provincial Governments. Every newly-created appointment of importance and every large addition even to minor establishments, must be specifically approved by the

Supreme Government.* Under these circumstances, there is very little power of initiation left to the Local Governments who must submit each and every matter for the approval of the Government of India.

The Provincial Governments act, in fact, as the agents of the Supreme Government. It is very difficult to draw a clear line of demarkation between the spheres of the two Governments and say exactly where the one ends and the other begins. In a despatch accompanying the Government of India Act, 1833, addressed by the Court of Directors to the Government of India and dated 10th December, 1834, the Court attempted to bring home to the Indian Government the onerous responsibility devolved upon them, by saying:—‘The whole Civil and Military Government of India is in your hands, and for what is good or evil in the administration of it, the honour or dishonour will rebound upon you’. They further stated:—‘With respect to the other powers (besides the legislative) which you are called upon to exercise, it will be incumbent upon you to draw, with much discrimination and reflection, the correct line between the functions which properly belong to a local and subordinate Government and those which belong to the Central Government ruling over and superintending the whole’.

47. Demarkation of Spheres—The Court of Directors relied, for the smooth working of the administrative machinery, upon the wisdom and moderation of the supreme authority and also of the subordinate authorities. In another despatch to the Government of India, dated 28th March, 1838, the Court of Directors say:—“Although a minute interference on your part in the details of the local administration of the subordinate presidencies is neither desirable nor practicable, yet we should hold you but ill acquitted towards those whose

* See Report of the Royal Commission on Decentralization, 1908.

interests are committed to your charge, if you should allow to pass without comment and, if necessary, without effective interference, any measures having, in your opinion, an injurious tendency either to one Presidency or to the Empire at large."

The Commission on Decentralization observes in this connection:—"It is easy to say that the Central Government should confine itself to laying down general principles, and that the detailed application of these should be left in the hands of the Subordinate Governments; but in practice it is sometimes extremely difficult to say what are mere details, and whether these may not affect the application of a principle. Again, what is normally a detail, properly left to a Local Government, may, at a period of political stress, or under altered circumstances, become a matter in which the Government of India, and even the Secretary of State, must assert their responsibilities. It is, therefore, of paramount importance that the relations between the Government of India and the Provincial Governments should be readily adaptable to new or changing conditions, and should not be stereotyped by anything in the nature of a rigid constitution. It is essential to remember that the mutual relations of the Indian Governments are not those of States or Colonies voluntarily associated in a federal system where a written constitution is necessary to preserve original rights of the contracting parties. In India the Provincial Governments are, and should remain, subject to the general control of the Government of India in all respects, and their functions and powers should be variable by the Central Government or by the Secretary of State as circumstances require."

The Royal Commission on Decentralization observed that though much had been done in the past in the direction of decentralization, both the Government of India and the Provincial Governments had been too much

dominated by considerations of administrative efficiency. Too little regard had been paid to the importance of developing a strong sense of responsibility amongst their subordinate agents and of giving sufficient weight to local sentiments and traditions. The Commission recommended that future policy should be directed to steadily enlarging the sphere of detailed administration entrusted to Provincial Governments and of recognizing that they must definitely dispose of an increasing share of the ordinary work of Government.

48. Provincial Claim to Greater Freedom.—It is a constant complaint of the Provincial Governments that there has been an excessive interference by the Supreme Government in matters of detail. The interference of the Government of India in local affairs is exercised in the name of efficient supervision or co-ordination or uniformity but it leads to unnecessary delays and correspondence which are most harrassing. How strong is the feeling of Provincial Governments in this matter may be seen from the remarks made by the Government of Bombay in their note submitted to the Decentralization Commission. They say that they were reduced to the position of a forwarding agency, with consequent loss of responsibility and were deprived of all initiative by the attempts to enforce an undesirable and impracticable standard of uniformity throughout the continent of India. 'A government not entrusted with the power to decide whether one of its servants may make a certain investment without infringing the spirit of the Public Servants' Rules, or to settle whether a mining concession may be allowed in a Native State under its control, not permitted to appoint a watchman on Rs. 10, debarred from sanctioning a sum of Rs. 8 to meet expenses incurred by a lady doctor, deprived of final discretion in settling the number of police orderlies to be attached to its police school and liable to be over-ruled

on the situation of a stair-case erected in a Government bungalow, and on the rent charge to be levied from the occupant, is evidently an expensive and useless excrescence upon the system of administration in India. It should be either given further powers or abolished in favour of a single officer with limited authority.'

If a Government of the status of the Government of Bombay, feels called upon to lodge an angry protest in this strain against the vexatious interference of a distant authority, we may well conceive how rigorous must be the control of the Supreme Government over other Provincial Governments and administrations. The whole question of the control of the Government of India over Local Governments and the principles which regulate their mutual relations, is a ticklish one. The former are inclined to take the view that the control they usually exercise is absolutely essential, being required by the peculiar responsibility devolving on their shoulders, and by no means embarrassing or harassing, while the latter believe that they are reduced to the position of mere agents carrying out the behests of higher authorities.

In his examination before the Decentralization Commission, Sir Herbert Risley was asked to state the policy of the Supreme Government in this connection. The questions and answers are interesting.

Q. In other words, the Government of India lay down the general principles, and the Local Government is responsible for carrying them out?

A. Yes; but I should like to point out that you have not here the guiding factors which you have in certain other cases of Federal Governments. Where you have a Federal Government, which consists of so many sovereign States, those sovereign States gave up this and that and the other defined functions and kept everything else, which makes the matter so much clearer. That is not the case in India. The Local Governments were never sovereign and independent. From 1833 upto the time of the Strachey decentralizations, the Government of India had everything in their own hands, and no Local Government could create the smallest appointment without sanction. Since then the Government of India has surrendered many functions, but each surrender requires a separate order

since the residuary authority rests with the Government of India and not with the Local Governments, as is the case in most federations.

Q. Would the policy of the Government of India come to this that they lay down general principles and are prepared to trust the Local Governments to give expression to them?

A. Yes, that is the theory. It is not so easy to apply it in practice.

Q. Without interfering in every detail of interpretation, would that be the position?

A. That is the difficulty. But the interference is only occasional.

49. Executive Council for the U. P.— An interesting illustration of the operation of the Indian Councils Act, 1909 with respect to the creation of Executive Councils in Provinces under Lieutenant-Governors, is afforded by the action of the House of Lords in vetoing the grant of such a Council to the United Provinces of Agra and Oudh, proposed by Government. Section 3, Sub-section 2 of that Act Provides that

"It shall be lawful for the Governor General-in-Council, with the like approval (of the Secretary of State), by a like Proclamation to create a Council in any other Province under a Lieutenant-Governor for the purpose of assisting the Lieutenant-Governor in the executive government of the Province; Provided that before any such proclamation is made a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof no further proceedings shall be taken thereon, without prejudice to the making of any new draft."

The Government of India having, after mature deliberation, decided to grant an Executive Council to assist the Lieutenant-Governor of the United provinces, a draft proclamation was, in February 1915, laid before each House of Parliament. Some of the members of the House of Peers felt that the Province was not yet ripe for such a reform, which in their opinion, was not called for in the interests either of administrative efficiency or those of the mass of the people, and Lord Macdonnell moved that, for the reasons assigned in his resolution, "an humble Address be presented to His Majesty praying him to withhold his consent during the continuance of the war from

'the draft Proclamation creating such a council which was laid before this House on February 2, last". In spite of the opposition of the Secretary of State, Lord Macdonnell's motion was carried by a majority of 21, 47 voting for the motion and 26 against it.

We do not propose here to discuss the merits of the controversy which has raged round this question. What is of interest to the student of the Indian constitution and administration, however, is the conflict of policy between Lord Hardinge's Government who advocated the modest reform which would have associated an Indian member in the executive government of the United Provinces and its opponents who gave preference to personal rule. After the intentions of Lord Crewe and the Government of India were defeated by the opposition of the Lords, the Secretary of State announced that he would persevere, with all the constitutional means in his power, to gain his object which had behind it the strong support of Indian public opinion and of the Government of India. It was open to him to make a new draft of a proclamation and place it before Parliament or to get the Indian Councils Act, 1909, suitably amended or lastly to bring into operation the provision of the Charter Act of 1833 empowering the creation of the Presidency of Agra with a Governor and an Executive Council. This provision was only suspended by later enactments and may be put in operation.

Lord Crewe did not state what course he would take and the war rendered further action in the matter difficult. The case for the creation of an Executive Council for the United Provinces is, however, so strong that the question ought to be taken up again and not be indefinitely postponed. The manner in which a measure, initiated by the Secretary of State and supported by the Government and people of India, was defeated by the opposition of a section of the House of Lords, is an instructive illustra-

tion of the peculiar control exercised by the British public through Parliament* The control is inoperative when it ought to be active and is obstructive when it should not be exercised. In neither case is it helpful.

* See page 57 above.

CHAPTER V.

LEGISLATIVE COUNCILS.

CONTENTS.

50. Laws and Regulations. 51. Growth of the Legislatures. 52. Constitution of Legislatures. 53. Councils' Act of 1892. 54. Morley-Minto Reforms. 55. The Act of 1909. 56. How Councils are Constituted. 57. Officials and Non-Officials. 58. Regulations for Election. 59. Powers of Councils. 60. Budget Discussion. 61. Resolutions and Bills. 62. Characteristics of Councils. 63. The Executive. 64. Franchise. 65. Summary.

50. Laws and Regulations.—The Indian Legislature is the creation of Parliamentary Statute, and its scope is confined within limits set to it by Acts of Imperial Parliament. But within the limits so prescribed and subject to the control of the Home authorities, it has plenary powers of legislation as large and of the same nature as those of Parliament itself.* The legislative powers which the Supreme Council and the Provincial Councils now possess, are the result of a long process of evolution covering more than a century. Before the

* The full and unrestricted power of Parliament in this behalf has been thus reserved by the Government of India Act, 1833:—

51 Provided always that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof.

And it is expressly declared that a full, complete and constantly existing right and power is intended to be reserved to Parliament to control, supersede or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter at any time any law and regulation whatsoever made by the said Governor General in Council and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not passed.

The Act then goes on to require that all laws and regulations made by the Governor General in Council be laid before Parliament.

creation of one regular legislature for British India by the Charter Act of 1833, the Government of Madras and Bombay as well as the Governor General in Council of Bengal had such powers to make laws and regulations for their respective territories and thus separate bodies of Regulations had grown up in the three presidencies.

The legislative powers were not distinguished from the executive, and the two were lodged in the same hands. At that time there were five different bodies of statute law in force in India. 'First, there was the whole body of statute law existing so far as it was applicable which was introduced by the Charter of George I and which applied, at least in the presidency towns. Secondly, all English Acts subsequent to that date which were expressly extended to any part of India. Thirdly, the regulations of the Governor General's Council, which commenced with the Revised Code of 1793, containing forty-eight regulations, all passed on the same day (which embraced the results of twelve years' antecedent legislation) and were continued down to the year 1834. They only had force in the territories of Bengal. Fourthly, the regulations of the Madras Council, which spread over the period of thirty-two years from 1802 to 1834 and are (were) in force in the Presidency of Fort St. George. Fifthly, the regulations of the Bombay Code, which began with the revised code of Mr. Mountstuart Elphinstone in 1827, comprising the results of twelve years' previous legislation, and were also continued to 1834, having force and validity in the Presidency of Fort St. David (Bombay.)'†

This confusion was put an end to by the Act of 1833 which vested the legislative power of the Indian Government exclusively in the Governor General in Council and

† Cowell's Tagore Lectures.

under which Macaulay was appointed, in the following year, to be the first legislative councillor on the Governor General's Council, that body being thus increased by the addition of a fourth ordinary member who had no power to sit or vote except at meetings for the purpose of making laws and regulations. The laws made by this Council were, subject to their not being disallowed by the Court of Directors, to have effect as Acts of Parliament. Henceforward the laws passed by the Indian legislature were known as Acts as distinguished from the Regulations. A clear distinction between the executive and the legislative body is here recognised for the first time, and the Act of 1833 may be regarded as the first land-mark in the history of the Indian Legislative Councils.

51. Growth of the Legislatures.—The second land-mark was erected by the Charter Act of 1853 by which the fourth or legislative member of the Governor General's Council was placed on the same footing as the ordinary members of the Council by being given a right to sit and vote at executive meetings. The Council was, at the same time, enlarged for legislative purposes by the addition of six members; the Chief Justice of Bengal, another judge and four of the Company's servants of ten years' standing appointed by the Governments of Bengal, Madras, Bombay and the North-Western Provinces. The Governor General's Council, thus enlarged for the purpose of legislation, had, in this way, twelve members; the Governor General, the Commander-in-Chief, four ordinary members of the Council, the Chief Justice of Bengal, a puisne judge and four representative members from the four provinces. The sittings of the Legislative Council were made public and their proceedings were officially published. This Legislative Council, however, evinced an inconvenient degree of independence and a tendency to interfere with the executive, and the defect was remedied eight years later.

The third stage in the growth of the Indian legislature was reached in 1861, in which year the constitution of the Legislative Council of the Governor General was remodelled, and the power of legislation, which had been taken away from the Governments of Madras and Bombay by the Act of 1833, was restored to them. The Indian Councils Act, 1861 enacted:—"For the better exercise of the power of making laws and regulations vested in the Governor General in Council, the Governor General shall nominate, in addition to the ordinary and extraordinary members above mentioned and to such Lieutenant-Governor in the case aforesaid,* such persons, not less than six nor more than twelve in number as to him may seem expedient, to be members of Council for the purpose of making laws and regulations only; and such persons shall not be entitled to sit or vote at any meetings of the Council, except at meetings held for such purpose; provided that not less than one half of the persons so nominated shall be non-official persons, that is, persons who, at the date of such nomination, shall not be in the Civil or Military service of the Crown in India and that the seat in a Council of any non-official member accepting office under the Crown in India, shall be vacated on such acceptance."

52. Constitution of Legislatures.—To obviate the interference of the Legislative Council with the executive, the functions of the Council were limited strictly to legislation, and other restraints were also placed upon it with the same view. No member could introduce, without the previous sanction of the Governor General, any measure affecting the public debt or public revenues of India, or relating to religion or religious rites and usages, to the discipline of military or naval forces or the relations of the Government with foreign princes or

* The Lieutenant-Governor of the Province in which the Council meets.

States. The assent of the Governor General was made essential to every law and regulation which might be disallowed also by the Crown, the disallowance being signified through the Secretary of State for India.

Large powers of legislation were accorded to the Governor General in Council, subject to specific exceptions which were inserted to maintain the authority of Parliament and its enactments. The Act also provided that 'it shall be lawful for the Governor General, in cases of emergency, to make and promulgate, from time to time, ordinances for the peace and good government of the said territories or of any part thereof,' and 'every such ordinance shall have like force of law with a law or regulation made by the Governor General in Council as by this Act provided, for the space of not more than six months from its promulgation.'† The orders and regulations which had been issued by the Governor General for the administration of newly organised territories were validated by this Act. The Governments of Madras and Bombay were reinvested with the power of legislation, their Councils being expanded for legislative purposes by the addition of the Advocate General of the Presidency and of other persons, not less than four, nor more than eight in number, on the same lines as the Council of the Governor General. No law could be valid unless and until it had received the assent of the Governor General in addition to that of the Secretary of State.

The Act of 1861 directed* the Governor General in Council to establish, by proclamation, a Legislative Council for Bengal and empowered him to set up similar Legislative Councils in other provinces. Not less than

† The extraordinary situation created by the War necessitated the taking of prompt measures and various ordinances were issued by the Government of India as the reader is probably aware.

one-third of the members of any Council so set up were to be non-officials. In pursuance of this power, Legislative Councils were established in Bengal in 1862, in the United Provinces in 1886, in the Punjab and Burma in 1898, in Eastern Bengal and Assam in 1905 and in November, 1913, in the Central Provinces.*

53. Councils Act of 1892.—The next land-mark in the history of the Indian legislatures is the Indian Councils Act, 1892, which authorized an increase in the size of the Legislative Councils and changes in the method of nomination, and relaxed, to some extent, the restrictions imposed on their proceedings by the Act of 1861. The numbers of members to be nominated for legislative

* The following proclamation was issued by the Governor General in Council early in November, 1913:—

“ In exercise of the power conferred by Section 3 of the Government of India Act 1912, (2 and 3 Geo. V. C. 5), the Governor General in Council is pleased to extend to the territories for the time being administered by the Chief Commissioner of the Central Provinces the provisions of the Indian Councils Act, 1861 to 1909, touching the making of laws and regulations for the peace and good Government of the provinces under Lieutenant-Governors (including the constitution of the Legislative Councils for such provinces and the business to be transacted therein) subject to the modifications that in the application to the said territories of the provisions aforesaid, references to a Lieutenant-Governor shall be construed as references to the Chief Commissioner of the Central Provinces.”

The following proclamation, to which the Sanction of His Majesty the King-Emperor of India was signified by the Secretary of State for India in Council, was also published:—

“ In exercise of the powers conferred by the Indian Councils Act 1861 (24 and 25 Vict. C. 67) and all other powers enabling him in this behalf, the Governor General is pleased to constitute the territories for the time being administered by the Chief Commissioner of the Central Provinces to be, for the purposes of the Indian Councils Act, 1861, a Province to which the provisions of that Act touching the making of laws and regulations for the peace and good Government of the Presidencies of Fort St. George and Bombay shall be applicable.

The Governor General in Council was also pleased to specify the 19th day of November 1913, as the time at which the application of the said provisions of the Indian Councils Act, 1861, to the said territories shall take effect.

purposes were now fixed at 10 to 16 for the Governor General's Council, 8 to 20 for Madras and Bombay, not more than 20 for Bengal and not more than 15 for the United Provinces, the minimum proportion of non-officials being left as before. At the same time powers by the exercise of which important advances were made, were conferred by a sub-section authorizing the Governor General in Council, with the approval of the Secretary of State in Council, to make "regulations as to the conditions under which such nominations or any of them shall be made by the Governor General, Governors and Lieutenant-Governors respectively."

By regulations subsequently made, the principle of election was tentatively introduced, and the proportion of non-officials was increased beyond the minimum laid down by the Act of 1861. The Governor General's Legislative Council, for example, had to include 10 non-officials, of whom five were nominated on the recommendation of the Calcutta Chamber of Commerce and the non-official members of the Legislative Councils of Madras, Bombay, Bengal and the United Provinces. In Bombay, 8 out of 11 non-officials were nominated on the recommendation of various bodies and associations, including the Bombay Corporation, the University, groups of municipal corporations, groups of local district boards, classes of large land-holders and associations of merchants, manufacturers or tradesmen. Similar provision was made in regard to the Legislative Councils of Madras, Bengal, Eastern Bengal and Assam and the United Provinces.

In the case of the smaller councils of the Punjab and Burma, no provision was made for recommendation, nor were the privileges referred to immediately below, of discussing the provincial budget and of putting questions on matters outside the business in hand, extended to them. The Act of 1892 further provided as follows:—"Not-

withstanding any provisions in the Indian Councils Act, 1861, the Governor General of India in Council may, from time to time, make rules authorizing, at any meeting of the Governor General's Council for the purpose of making rules and regulations, the discussion of the annual financial statement of the Governor General in Council and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall be in the said rules prescribed or declared.....But no member at any such meeting of any Council shall have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussion, or the answer to any question asked under the authority of this Act, or the rules made under the Act....." Similar provision was made for the provincial Legislative Councils.

Action was taken under this section in all the more advanced provinces, and in the annual discussion on the financial statement, members were allowed to draw attention to any financial matter they pleased, whether it arose directly out of the budget proposals or not. To sum up the position before the passing of the Act of 1909:—"The Legislative Councils varied in size between a total strength of 9 (excluding the Lieutenant-Governor) in the Punjab and Burma and a maximum of 24 (excluding the Governor General) in the case of the Governor General's Council. A minimum proportion of non-officials was required by statute, but though by regulations under the statute, provision was made for appointment of non-officials in excess of this proportion, an official majority of votes was as a rule available in a full Council. (An exception to this general rule was to be found in Bombay where in 1908, the Council consisted of 10 officials, including the Governor and 14 non-officials.) Of the non-officials, some, except in the Punjab and Burma, were nominated on recommendation, and might be

regarded as "elected" in a somewhat qualified sense of the word. Finally, the activities of the Councils were strictly limited, except on the occasion of the annual budget debate which was apt to be of a desultory nature, to legislative business and the asking of questions."*

54. Morley-Minto Reforms.—The changes in the constitution and functions of the Indian Legislative Councils described above, constituted an advance over the state of things which prevailed before the passing of the Act of 1892, but the reforms were not substantial enough to satisfy the aspirations of Indian people who understood the value of the Councils and all that they signified. Writing in 1894, only two years after the reforms were introduced, Sir George Chesney remarked that 'this expansion in size and functions of the Legislative Councils, the proposal for which emanated from the Government of India, and the details for carrying out which are all in accordance with their recommendations, is thus the first beginning of what may possibly hereafter develop into something of the nature of Parliamentary institutions as obtaining in other parts of the world. The step taken may not be a wide one; the mode of regulating nominations rests with the executive government; the bodies to which this partial nomination has been entrusted are themselves elected on a very narrow and exclusive franchise.....'.

During the next few years, the urgent need of further expanding and reforming the Councils so as to satisfy, in a large measure, the aspirations of the Indian people to be more intimately associated with the work of legislation and administration, was felt on all sides and notably by the Government of Lord Minto, who, in a minute,

* Statement exhibiting the moral and material progress and condition of India, 1901-1911.

reviewing the disturbed and anxious political situation of the time, pointed out in 1906, how the growth of education, encouraged by the British rule, had led to the rise of important classes aspiring to take a larger part in shaping the policy of the Government. The Government of India discussed the whole subject with the Provincial Governments and the Secretary of State, and various proposals were exhaustively dealt with in the course of this discussion. As a result, a scheme of reform was agreed upon and the statutory power required to carry it into effect was obtained from Parliament by means of the Indian Councils Act, 1909.

55. The Act of 1909.—The Act provided that the members of the various Legislative Councils instead of being all nominated by the Governor or Lieutenant-Governor as provided by the Acts of 1861 and 1892, 'shall include members so nominated and also members elected in accordance with regulations made under this Act.' The number of members in each Council was increased and it also provided that the Governments of the various provinces 'shall make rules authorizing, at any meeting of their respective Legislative Councils, the discussion of the annual financial statement of the Governor General in Council or of their respective Local Governments as the case may be, and of any matter of general public interest and the asking of questions, under such conditions and restrictions as may be prescribed in the rules applicable to the several councils'.

Power was given to the Government of India to make rules and regulations in this behalf in consonance with the general principles laid down in the Act, and rules were accordingly framed concerning the various details, about the method of election, qualifications for membership, and so on. The regulations framed in 1909 had to be modified

later on when they came to be revised on account of the administrative changes announced at the Delhi Durbar which necessitated the rearrangement of certain electorates. Other changes were suggested by the experience which had been gained in the practical working of the regulations of 1909. In a memorandum forwarding the regulations so amended in 1912 in consultation with the local Governments, to the Secretary of State for India, the Government of India observed:—"In formulating our proposals we have kept in view as a guiding principle the fact that since the Councils have so far stood the test of only one general election, it would be premature and impolitic at this stage of their development to embark upon any material changes in the broad principles upon which their constitution is based. The amendments made have been confined, therefore, so far as possible, to matters of detail, and consist to a large extent, of an attempt to simplify and render more convenient the electoral procedure."

This was apparently intended as an explanation to meet the criticism to which the regulations were subjected. It is absolutely impossible for us to give here even the chief regulations appertaining to the various provinces which are embodied in a bulky volume* of six hundred pages. An attempt will, however, be made to give a fairly adequate idea of the present constitution of the Councils, the method of election and nomination to them, the procedure followed in them in the matter of legislation, and the qualifications of the electors and of the candidates, and so forth.

56. How Councils are Constituted.—The following tables will show the constitution of the several Councils under the Regulations of 1912.

* Revised Regulations &c., for giving effect to the Indian Councils Act, 1909-1910.

IMPERIAL LEGISLATIVE COUNCIL.

Ex-Officio

The 6 ordinary members of the Governor General's Council, the Commander-in-Chief, and the Lieutenant-Governor or Chief Commissioner of the province in which the Council sits

Additional.

Nominated members of whom not more than 28 must be officials; and of whom 9 are officials representing provinces and 3 being non-officials shall be elected respectively from the land-holders of the Punjab, the Mahomedans of the Punjab and the Indian commercial community 33

Elected members, elected by—

- (a) The Provincial Legislative Councils ... 13
- (b) The land-holders of Madras, Bombay, Bengal, the United Provinces, Bihar and Orissa and the Central Provinces. 6
- (c) The Mahomedans of Madras, Bombay, Bengal, the United Provinces and Bihar and Orissa 5
- (d) The Mahomedan landholders in the United Provinces or Mahomedans of Bengal (at alternate elections) ... 1
- (e) The Chambers of Commerce, Calcutta and Bombay 2

 2

Total ... 68

Or, including the Governor General ... 69

MADRAS LEGISLATIVE COUNCIL.

Ex-Officio.

Members of the Executive Council 3
 Advocate General 1

Additional.

Nominated members of whom not more than 16 are to be officials and 1 to be representative of Indian commerce 21

Nominated experts who may be either officials or non-officials	...	...	...	...	...	2
Elected members, elected by—						
(a) The Corporation of Madras	...	...	...	...	1	
(b) Municipalities and District Boards	...	...	...	...	9	
(c) The University	...	...	...	...	1	
(d) The Land-holders	...	...	...	...	5	
(e) The Planting community	...	...	...	...	1	
(f) Mahomedans	...	...	...	...	2	
(g) The Madras Chamber of Commerce	..	...	...	...	1	
(h) The Madras Trades Association	...	...	...	...	1	
					—	21
Total					...	48
Or, including the Governor					...	49

BOMBAY LEGISLATIVE COUNCIL.**Ex-Officio.**

Members of the Executive Council	...	...	...	...	3
Advocate General	...	...	...	...	1

Additional.

Nominated members of whom not more than 14 are to be officials	...	...	...	...	...	21
Nominated experts who may be either officials or non-officials	...	...	...	...	...	2
Elected members, elected by—						
(a) The Corporation of Bombay	...	...	...	...	1	
(b) Municipalities	...	...	...	...	4	
(c) District Boards	...	...	...	...	4	
(d) The University	...	...	...	...	1	
(e) The Land-holders	...	...	...	...	3	
(f) Mahomedans	...	...	...	...	4	
(g) The Bombay Chamber of Commerce	...	...	...	...	1	
(h) The Karachi Chamber of Commerce	...	...	...	...	1	
(i) The Millowners' Association of Bombay and Ahmedabad	...	...	...	...	1	
(j) The Indian Commercial community	...	...	...	...	1	
					—	21
Total					...	48
Or, including the Governor					...	49

THE BENGAL LEGISLATIVE COUNCIL.

Ex-Officio.

Members of Executive Council	3
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Additional.

Nominated members: not more than 16 to be officials and 1 to be a representative of the European commercial Community outside Calcutta and Chittagong and 1 of Indian Commerce	20
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Nominated experts who may be either officials or non-officials	2
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Elected members, elected by—

(a) The Corporation of Calcutta	1
(b) Municipalities	5
(c) District Boards	...	...	5
(d) The University	...	...	1
(e) The Land-holders	...	...	4
(f) Mahomedans	...	...	5
(g) The Bengal Chamber of Commerce	...	...	2
(h) The Calcutta Trade Association...	...	...	1
(i) The Chittagong Port Commission	...	...	1
(j) Commissioners of the Corporation of Calcutta (excluding nominees of Government)	...	...	1
(k) The Tea-planting Association	...	...	1
(l) The Municipalities of the Chittagong Division or (at alternate elections) land-holders in the same Division	...	...

— 28

Total ... 53

Or, including the Governor ... 54

THE U. P. LEGISLATIVE COUNCIL.

Nominated members, not more than 20 to be officials, and 1 to be a representative of Indian Commerce.	26
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Nominated experts, who may be either officials or non-officials	I
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Elected members, elected by—

(a) Large Municipalities in rotation	...	4
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(b) District Boards and smaller Municipalities	9
(c) Allahabad University	1
(d) The Land-holders... ..	2
(e) Mahomedans	4
(f) The Upper India Chamber of Commerce	1
—	21
Total ...	49
Or, including the Lieutenant-Governor ...	50

THE PUNJAB LEGISLATIVE COUNCIL.

Nominated members, not more than 10 to be officials	16
Nominated experts who may be either officials or non-officials	2
Elected members, elected by—	
(a) The Punjab Chamber of Commerce ...	1
(b) The Punjab University	1
(c) Municipal Cantonment Committees ...	3
(d) District Boards	3
—	8
Total ...	26
Or, including the Lieutenant-Governor ...	27

THE BURMA LEGISLATIVE COUNCIL.

Nominated official	6
Nominated non-officials:—	
(a) To represent the Burmese population ...	4
(b) To represent the Indian and Chinese communities... ..	2
(c) To represent other interests	2
—	8
Nominated experts who may be either officials or non-officials	2
Elected by the Burma Chamber of Commerce ...	1
Total ...	17
Or, including the Lieutenant-Governor ...	18

THE ASSAM LEGISLATIVE COUNCIL.

Nominated members not more than 9 to be officials	13
Nominated expert who may be either an official or a non-official	1
Elected members, elected by—	
(a) Municipalities	2
(b) Local Boards	2
(c) The Land-holders	2
(d) The Mahomedans	2
(e) The Tea-planting Community	3
	11
Total ..	25
Or, including the Chief Commissioner .	26

THE BIHAR AND ORISSA LEGISLATIVE COUNCIL.**Ex-Officio.**

Members of Executive Council	3
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Additional.

Nominated members, not more than 15 to be officials	19
Nominated expert who may be either an official or a non-official	1
Elected members, elected by—	
(a) Municipalities	5
(b) District Boards	5
(c) The Land-holders	5
(d) Mahomedans	4
(e) The planting community	1
(f) The mining community	1
	21
Total ...	44

Or, including the Lieutenant-Governor ...	45
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The C. P. AND Berar Council.

Nominated members, not more than 10 of whom shall be officials and three of whom shall be non-official persons resident in Berar	17
Nominated expert who may be either an official or a non-official	1
Elected members, elected by—	
(a) Municipalities	3

(b) District Boards	...	...	...	...	2	
(c) Land-holders	...	...	...	...	2	7
					<hr/>	
					Total	25

The three members from Berar to be nominated by the
Chief Commissioner or elected as under :—

(a) Municipalities	...	...	...	...	1
(b) District Boards	...	...	...	...	1
(c) Land-holders	...	...	...	...	1

Or, including the Chief Commissioner ... 26

The following table combining the particulars given
above and presenting them in another form, will be found
instructive.

Legislative Council of		Numbers previous to 1909			Maximum Total Number of No- minated and Elected Members under the Act of 1909.	Numbers under the new Regulations.		
		Officials (Maximum Number, including members of Executive Councils).	Non-officials			Officials. Maximum Num- ber including Members of Executive Councils as at present constituted.	Non-officials.	
			"Elected", i. e. No- minated on Recon- mendation.	Nominated (Minimum Number)			Elected.	Nominated (Maxi- mum Number)
India	...	14	5	5	60	36	25 (27)	7 (5)
Madras	...	12	7	4	50	20	19 (21)	7 (5)
Bombay	...	12	8	3	50	18	21	7
Bengal	...	10	7	3	50	20 (19)	26 (28)	5 (4)
United Provinces	...	7	6	2	50	20	20 (21)	6
Eastern Bengal and Assam	...	7	6	2	50	17	18	5
Punjab	...	4	—	5	30	10	5 (8)	9 (6)
Burma	...	5	—	4	30		1	8
Bihar and Orissa	...	—	—	—	(0)	(18)	(21)	(4)
Assam	...	—	—	—	30	(9)	(11)	(4)
Central Provinces	...	—	—	—	—	(10)	(7)	

The figures in bold type in the above table show the constitution of the new Councils established in 1912 and the changes made in some of the other Councils by the new regulations issued in that year. The above figures exclude the head of the Government and the one or two experts who may, under the new regulations, be appointed to any Provincial Council when legislation demanding expert advice is in hand. They may be either officials or non-officials. Otherwise the figures show the Councils at their full strength, including the members of the Executive Councils where such exist.

57. Officials and Non-officials.—It will be noticed that except in the Supreme Legislative Council, the Regulations provide for a majority of non-official members in each Council. It is laid down that it shall not be lawful for the Governor or Lieutenant-Governor or Chief Commissioner, as the case may be, to nominate so many official persons under these Regulations that the majority of all the members of the Council shall be officials. In the Governor General's Council, however, the majority of officials has been deliberately retained and in his famous Reform Despatch to the Viceroy, dated 27th November, 1908, Lord Morley thus argued in favour of this official majority:—"While I desire to liberalise as far as possible the Provincial Councils, I recognize that it is an essential condition of this policy, that the Imperial supremacy shall be in no degree compromised. I must, therefore, regard it as essential that Your Excellency's Council, in its legislative as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes and must always owe to His Majesty's Government and to the Imperial Parliament.....To secure the required relations I am convinced that a permanent

official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. It need not be in any sense an overwhelming majority, and this Your Excellency does not seek, but it must be substantial as it is certainly desirable that the Governor General should be removed from the conflict of the division list and that the fate of any measure or resolution should not rest on his vote alone."

The official majority was dispensed with in the case of Provincial Councils. Lord Morley was conscious of the risks such an arrangement involved, but thought that if the non-official majority might press legislation of a character disapproved by the Executive Government, that contingency could be met by the exercise of the power to withhold assent possessed by the head of the Government. Such cases would be very rare and if they were to occur, that might be very good reason for thinking that the proposed measure was really open to objection and should not be proceeded with. Then if the non-official majority were solidly to oppose a measure that Government desired, the Governor General in Council might make use of the power he possesses to legislate for any province.

58. Regulations for Election.—We give below the Regulations framed for election of members to the Imperial Legislative Council. The substance of the first two Regulations relating to the constitution of that Council may be gathered from the table on a preceding page.

III. The election of the members specified in Regulation II shall be effected by the electorates and in accordance with the procedures respectively prescribed in the schedules to these regulations.

IV. No person shall be eligible for election as a member of the Council if such person

- (a) is not a British subject, or
- (b) is an official, or
- (c) is a female, or
- (d) had been adjudged by a competent civil court to be of unsound mind, or
- (e) is under 25 years of age, or
- (f) is an uncertified bankrupt or is an undischarged insolvent, or
- (g) has been dismissed from the Government service, or
- (h) has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence or order not having subsequently been reversed or remitted, or the offender pardoned, or
- (i) has been debarred from practising as a legal practitioner by order of any competent authority, or
- (j) has been declared by the Governor General-in-Council to be of such reputation and antecedents that his election would, in the opinion of the Governor General-in-Council, be contrary to the public interest.

Provided that in cases (g), (h), (i), and (j) disqualification may be removed by an order of the Governor General-in-Council in this behalf.

V. No person shall be eligible for election under any sub-head of Regulation II unless he possesses the qualifications prescribed for candidates in the schedule regulating elections under that sub-head.

VI. No person shall be qualified to vote at any election held under these regulations if such person

- (a) is a female, or
- (b) is a minor, or
- (c) has been adjudged by a competent civil court to be of unsound mind.

VII. Every person, who is elected or nominated under these regulations to be a Member of Council, shall, before taking his seat, make, at a meeting of the Council, an oath in the following form, namely:—

I, *A. B.*, having been $\frac{\text{elected}}{\text{nominated}}$ an Additional Member of the Legislative Council of the Governor General do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, his heirs and successors, and that I will faithfully discharge the duty of the office upon which I am about to enter.

VIII. (1) If any person,—

- (a) not being eligible for election, is elected under these regulations, or,
- (b) having been elected or nominated, subsequently becomes subject to any of the disabilities stated in clauses (c), (d), (f), (g), (h), (i), of Regulation IV, or fails to make the oath or affirmation prescribed by Regulation VII within such time as the Governor General-in-Council considers reasonable,

the Governor General shall by notification in the *Gazette of India*, declare his election or nomination to be void or his seat to be vacant.

(2) When any such declaration is made the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification, or shall nominate another person, as the case may be.

(3) If any person elected at such fresh election, is not eligible for election the Governor General may nominate any person who is eligible for election by the electorate concerned.

IX. (1) If any person is elected by more than one electorate he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such elections in the *Gazette of India*, choose, or in his default the Governor General shall declare, for which of these electorates he shall serve, and the choice or declaration shall be conclusive,

(2) When any such choice or declaration has been made, the votes recorded for such person in any electorate for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who except for the said votes, would have been declared elected for such electorate shall be deemed to have been duly elected for the same.

X. (1) Save as otherwise provided in these Regulations, the term of office of an Additional Member shall be three years commencing from--

- (a) in the case of a nominated member, the date of the publication in the Gazette of India of the notification by which he is nominated
- (b) in the case of an elected Member, the date of the publication in the *Gazette of India* of the result of the election, or, where the result of such election has been so published before the vacancy has occurred from the date on which such vacancy occurs.

Provided that official members and members nominated as being persons who have expert knowledge of the subject connected with proposed or pending legislation shall hold office for three years or such shorter period as the Governor General may at the time of nomination determine.

Provided further that in the event of a Legislative Council being constituted for the Central Provinces the term of office of members elected by the class specified in sub-head (IX) of Regulation II, shall expire on such date as the Governor General-in-Council may by notification in the *Gazette of India*, direct.

(2) A member elected or nominated to fill a casual vacancy occurring by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise, or a member nominated on failure of an electorate to elect an eligible person shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

XI (1) When a vacancy occurs in the case of a member who represents any interest specified in Regulation II, or at any time within three months of the date when such a vacancy will occur

in the ordinary course of events the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) When a vacancy occurs in the case of a nominated member, the Governor General may nominate any person to the vacancy; Provided that when a casual vacancy occurs—

- (a) in the case of an elected member, the election shall always be made by the same electorate as that which elected the member whose place is to be filled and shall be subject to the same conditions in respect of eligibility of candidates for nomination as those which governed the election of such member, and
- (b) in the case of a member nominated as representing any class specified in Regulation I, sub-head B clause (b) the person nominated shall be selected from the same class.

XII. If within the time prescribed by a notification issued under Regulation VIII clause (3) or Regulation XI, clause (1) the electorate concerned fails to elect, the Governor General may nominate, at his discretion, any person who is eligible for election by such electorate.

XIII. The power of making laws and regulations or of transacting other business vested in the Legislative Council of the Governor General shall be exercised only when fifteen or more Additional Members of the Council are present.

XIV.(1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(2) A person shall be deemed to commit a corrupt practice within the meaning of these regulations—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person, or

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to be committed by a candidate, if it is committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested.

XV. No election shall be invalid by reason of a non-compliance with the rules contained in the schedules to these regulations or any mistake in the use of forms annexed thereto, if it appears that the election was conducted in accordance with the principles laid down in such rules and that such non-compliance or mistake did not affect the result of the election.

XVI. (1) If the validity of any election is brought in question by any person qualified either to be elected or to vote at such election on the ground of the improper rejection or reception of a nomination or of a vote or of any corrupt practice in connection with such election, or for any other cause, such person may, at any time within 15 days from the date of the publication of the result of such election in the *Gazette of India*, apply to the Governor General-in-Council to set aside such election.

(2) The Governor General-in-Council shall, after such inquiry (if any) as he may consider necessary, declare, by notification as aforesaid, whether the candidate whose election is questioned or any or what other person was duly elected, or whether the election was void.

(3) If the election is declared void, the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification.

(4) If within the time so prescribed the electorate fails to elect, the Governor General may nominate any person who is eligible for election by such electorate.

XVII The decision of the Governor General-in-Council on any question that may arise as to the intention, construction or application of these regulations shall be final.

XVIII. (1) As soon as convenient after these regulations come into force a Council shall be constituted in accordance with these provisions.

(2) For this purpose the Governor General shall, by notification as aforesaid, call upon the electorates referred to in Regulation III to proceed to elect members in accordance with these regulations within such time as may be prescribed by such notification.

(3) If within the time so prescribed any such class fails to elect, the Governor General may nominate at his discretion for a period not exceeding six months any person who is eligible for election by such class.

59. Powers of Councils.—The rules framed by the Governor General in Council for nomination and election of additional members for Provincial Legislatures are almost similar. Subject to these general provisions, however, the positive qualifications for electors and candidates and the methods of election, are laid down in the detailed rules for the various electorates. They vary considerably from province to province. Some seats proposed to be filled by election as soon as workable electorates can be formed, are at present filled by nomination. Thus the representative of Indian Commerce is at present nominated, except in the case of the Bombay Council. The power of filling a number of non-official seats is designed and used to provide for the representation of minor interests and small classes.

No material alteration has been made by the recent Acts in powers and legislative functions of the Councils. These are still regulated by the Act of 1861 which precluded the Indian legislatures from making laws affecting the provisions of Acts of Parliament (except in the case of the Supreme Legislative Council which may, generally speaking, repeal or amend such Acts passed prior to 1860), and specified for the Governor General's Council and the Provincial Councils respectively, various heads under

which legislation cannot be undertaken without the previous consent of the Governor General. "Thus, for example, the Local Legislature may not, without the previous sanction of the Governor General, make or take into consideration any law affecting the Public Debt in India or the customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor General-in-Council for the general purposes of the Government of India, or regulating currency or postal or telegraph business, or altering in any way the Indian Penal Code, or affecting religion or religious rites or usages or affecting the discipline or maintenance of Naval or Military forces, or dealing with patents or copyrights or the relations of the Government with foreign Princes or States."*

60. Budget discussion.—The legislative spheres of the Supreme Council and the Local Councils are not precisely demarkated, but the provincial bodies naturally confine themselves to subjects in which they are immediately concerned while the Imperial Legislative Council takes up questions which have an equal bearing upon all the provinces and questions which Local legislatures are not competent to deal with, and legislates for provinces which have no Legislative Councils of their own. The changes made in 1909 in the method of the discussion of the annual budget were described by Lord Morley as 'constituting a notable step in the direction of giving to the representatives of Indian opinion a part in the most important administrative operation of the political year'. They may be summed up by saying that the discussion now extends over several days instead of one or two, that it takes place before instead of after, the budget is finally settled and that the members have the right to propose resolutions and to divide the Council.

* Lord Morley's Reform Despatch.

The general order of the discussion of the financial statement *i. e.* a statement of the preliminary financial estimate for the next year, is as follows: On an appointed day each year the financial statement with an explanatory memorandum is presented to the Council by the Finance Member and no discussion of the same is allowed on that day. The first stage in the discussion commences when on a subsequent day duly appointed, the statement is taken into consideration and any member may move a resolution relating to any alteration in taxation, any new loan or any additional grant to Local Governments proposed. The second stage commences when all the resolutions which may be moved, are disposed of. A resolution may now be moved with reference to any question covered by a head or group of heads specified in the statement and introduced by the Member in charge. Certain subjects such as foreign relations and relations with Native States and matters under adjudication by a court of law and also certain heads of revenue and expenditure such as customs, assessed taxes and State railways, army &c. are excluded from discussion. Finally, the Budget, *i. e.* the financial statement as finally settled by the Governor General in Council, is presented to the Council by the Finance Member and on a subsequent day a general discussion on it takes place when no resolutions are allowed. The budget is not like-wise put to the vote.

61. Resolutions and Bills.—Subject to certain specified restrictions, members of the Council are allowed to move resolutions relating to matters of general public interest. Every such resolution must be in the form of a specific recommendation, precisely expressed and not containing arguments, ironical expressions or personal references. A discussion of the resolutions is allowed subject to special rules framed in that behalf. Subject to certain conditions and restrictions, members

may ask questions and any member who has asked a question, may put a supplementary question for the purpose of further elucidating any matter of fact regarding which a request for information has been made in his original question. This latter is an additional right granted to members under the new rules but very large powers have been reserved to the President in this matter as in the general conduct of the meetings of the Council.

The rules about discussions, resolutions and interpellations summarised so far, are those framed in connection with the Supreme Legislative Council but with certain local variations, they apply to the Provincial Legislative Councils as well. One point of difference may, however, be noted in the case of the latter with reference to the financial statements. In the Local Councils the first stage in this matter is represented by the appointment of a Finance Committee for the purpose of discussing the draft financial statement and making proposals with reference thereto for the consideration of the Provincial Government. This Committee of the Council consists of not more than 12 members of whom half are nominated by the head of the Government and the other half are elected by the non-official members. After considering the proposals of the Committee the Local Government embodies its own conclusions in the draft financial statement, and being thus amended, it is submitted to the Government of India. The revised statement, provisionally approved by the Government of India, is then presented to the Council at a subsequent date. The further proceedings are similar to those of the Supreme Legislative Council.

Before a measure becomes law in a Legislative Council, it has to pass through several stages. First a motion is made, after due notice, to introduce a Bill and it is formally introduced and published for criticism. Then the Bill is referred to a Select Committee along

with any opinions that may have been received. If there is serious objection to the main principle embodied in the Bill, there is no discussion at the first stage. In the Select Committee it is fully threshed out and the draft as amended is presented to the Council. The members have here a full opportunity to move further amendments and to criticise. The final stage comes when a motion is made that the Bill as amended be passed. It then receives the signature of the Governor General or Governor or Lieutenant-Governor as the case may be. This is the normal process, but if the Bill is not contentious or does not admit of delay, some of the above steps are omitted and it may pass through all the stages at a single sitting of the Council.

62. Characteristics of Councils.—We shall now proceed to consider the more salient features of the Indian Legislative Councils. (1) The first striking characteristic of the Councils is that they are non-sovereign law-making bodies. Their scope has been definitely limited and they are entirely subordinate to the British Parliament. (2) Even within these limits, the Indian legislature is subject to the veto and control of the Secretary of State, that is the British Crown, and no legislation can be undertaken in India which has not the approval and sanction of the higher authorities in Great Britain.

It has been already shown that (3) our Legislative Councils are an expansion of the executive bodies which were originally responsible both for administration and legislation which, in those days, took the form of orders and regulations. Special members were gradually added to the executive bodies for legislative purposes and those bodies then became, for the time being, legislative assemblies. Even to-day the distinction between 'ordinary' and 'additional' members is maintained, which indicates the development of the legislatures. (4) They are not,

however, mere committees of advice as they are often stated to be, though, in practice, owing to their peculiar constitution, they are seen to be nothing better.

In spite of non-official majorities in the Provincial Councils, Government is strong enough to carry out its wishes though the overwhelming weight of non-official opinion cannot but influence its measures and policy. (5) In the British Parliament, it is practically the predominant political party in the House of Commons that legislates and it may even be said that only a few leading men of that party concentrate the legislative power in their hands*. The Opposition and the rank and file of the ministerial party have very little share in it. The men, however, who constitute the Government, are representatives of the people, elected by them on a liberal franchise.

But in the Indian legislatures there are no such parties and there is no coming into or going out of office. (6) According to Sir V. Bhashyam Aiyangar, 'the notion of an official majority in the Legislative Council, or the notion that the additional official members should vote with the ordinary members of the Council or that the ordinary members of the Council and the President should vote alike, is entirely opposed to the fundamental principles of the constitution as stated above, namely, that so far as legislation is concerned, the Government consists of the Governor General or Governor, his ordinary mem-

* 'But when we say that the House of Commons makes the law, we use language that no more conveys the facts than the legal formula, which tells us that every statute is enacted by the King with the advice and assent of Parliament. Now laws are made by the Ministry, with the acquiescence of the majority, and the vehement dissent of the minority in the House of Commons. The Crown has nothing to do with the matter, the House of Lords very little except that it has a limited power—seldom exercised in cases of real importance—to delay the operation of the proposed measure; the opposition party protest against it energetically but powerlessly at every stage; and the non-official ministerialists are able to do no more than affect the treatment of details.'—'The Governance of England' by Sidney Low.

bers *and* the additional members, whether nominated by him or elected, subject to his approval, and all form but one component and indivisible part of Government for the purpose of making laws and regulations; and the division of this body into the Executive Government supported by an official majority and a non-official minority corresponding to an opposition to Government, is the introduction of a principle which, in British India, is as unconstitutional as it would be mischievous in result.'

Another point he emphasises in this connection is that (7) 'the introduction into the Council of non-official members, either by direct nomination or by election under statutory rules, subject to the approval of the Governor General or Governor as the case may be, can, in no way, affect the constitutional aspect of the question, namely, that all additional members, whether official or non-official, whether nominated or elected, are the colleagues of the Governor General or Governor and of the ordinary members of his Council and as such form a component part of the Government in the exercise of its legislative functions, and there is nothing in either of the said statute affecting the status of the Legislative Council as the Government for the purpose of making laws and regulations'.

63. The Executive.—Whatever the position of the Indian legislatures and of the elected and other additional members may be in theory, the executive authority is paramount. The executive in India is not responsible to the legislature as the British Cabinet, for instance, is to the Parliament, and this constitutes the principal point of difference between governments which are responsible—like those in England and the Dominions—and which are not responsible to the people like the government in India. In spite of the non-official majorities in the Provincial Councils, the power to nominate a large number of members possessed by the Government, enables

it to control the legislature effectively. There is, really speaking, no obligation, legal or moral, on the part of official and non-official nominated members to vote on the side of the executive as the members of the political parties in Great Britain are invariably expected to do, yet in practice, that is what usually happens and the Councils often tend to divide into two sections.

The very regulations constituting the Councils and determining various important questions connected therewith, are framed by the executive and not by the whole legislature, thus showing what large powers are vested in the hands of the executive as distinct from the legislature. The resolutions moved by members and passed by the Legislative Councils, are only of the nature of recommendations, and whatever moral effect they may have upon the Government and however they may affect its policy, the executive is not bound to accept and carry them out.

64. Franchise.—One more feature of the Indian legislative councils that may be noted is the lack of uniformity in the arrangements made for the election of members to those councils. The provinces are not regularly divided into electoral areas, except perhaps in the case of municipalities and local boards. We have electoral groups returning so many members each, and the franchise is based mainly on property qualification ascertained in different ways. The electoral machinery is a bit complicated, the object of the Regulations being 'more to obtain workable electorates from the classes out of which it is formed, which could be expected to elect candidates representative of that group, than to confer upon the citizens in that group a right to vote and a voice in the selection of representatives to the legislature.'*

* The Indian Constitution by A. R. Iyengar.

The regulations seem to have been framed with the object of giving representation to various classes and interests, and for this purpose special electorates have been constituted. Besides the general franchise granted to the people through municipalities and local boards, the landholders, the Mahomedans as a community, the Universities, trading and commercial bodies and the planting and mining interests have been separately recognized and invested with the right of election. Several defects in the regulations concerning the over-representation and under-representation of certain classes have been brought to the notice of Government, but at the time they were revised four years ago no material alterations were made in them in this connection.

With larger experience of the working of the present system, which no one regards as a perfect one, and with the growth of public spirit and strong popular opinion, the existing arrangements as regards the franchise, the electorates and the proportion of elected members in the Councils as also the procedure followed in them, are bound to undergo material changes. The representation granted to property and certain specific interests such as commerce, may be necessary ; but provision must be made for the direct representation of the people, the population of each district returning, say two members. The principle of proportional representation may also be introduced so as to safeguard different interests if this is found necessary. The total number of members of Councils, will have to be increased and the necessity of nominating members will gradually disappear.

65. Summary.—A very convenient and interesting summary of the constitutional reforms is presented in the Resolution on the reforms issued by the Government of India on the 16th November, 1909. The significance of the constitutional changes effected in that year is thus

brought out in the concluding paragraph of that Resolution :—

" The constitutional changes that have been effected are of no small magnitude. The councils have been greatly enlarged ; the maximum strength was 126 , it is now 370. All classes and interests of major importance will in future have their own representatives. In the place of 39 elected members there will now be 145 ; and while the electorates of the old Councils had only a right to recommend the candidate of their choice for appointment by the head of the Government, an elected member of the new Councils will sit as of right and will need no official confirmation. Under the Regulations of 1892 officials were everywhere in a majority and the Regulations just issued establish a non-official majority in every Provincial Council. Nor has the reform been confined to the constitution of the councils ; their functions also have been greatly enlarged. A member can now demand that the formal answer to a question shall be supplemented by further information. Discussion will no longer be confined to legislative business and a discursive and ineffectual debate on the Budget, but will be allowed in respect of all matters of general public interest. Members will in future take a real and active part in shaping the financial proposals for the year, and as regards not only financial matters but all questions of administration they will have liberal opportunities of criticism and discussion and of initiating advice and suggestions in the form of definite resolutions. The Governor General-in-Council feels that these momentous changes constitute a generous fulfilment of the gracious intention, foreshadowed in the King-Emperor's message, to entrust to the leaders of the Indian peoples a greater share in legislation and government, and he looks forward with confidence to these extensive powers being loyally and wisely used by them, in association with holders of executive authority to promote the prosperity and contentment of all classes of the inhabitants of this great country ".

The experience gained, during the last nine years, of the working of the Indian Legislative Councils is most interesting. The proceedings of these bodies have, on the whole, been satisfactory though it is possible to attain a much higher level in the discussions of the Councils with the nomination and election of a better type of councillors. The right of moving resolutions has been very usefully exercised in some of the provincial Councils, and the non-official members have acquitted themselves well of their duties. But that there is a good deal of room for improvement, is admitted on all hands. Though the reforms of 1909 constituted an advance upon

the old system, they are now regarded as inadequate and further and more substantial instalments of reform are urged as imperatively necessary.

The non-official majorities which are maintained in Provincial Legislative Councils, are not usually effective and do not involve risk of hasty legislation or legislation which Government do not approve, owing to the power of veto which the latter possess. Recently instances have, however, occurred in some of the Provincial Councils, in which Governments have sustained or very nearly sustained a defeat at the hands of the non-official majority. These cases demonstrate the strength of public feeling against some of the measures persisted in by the Governments in the face of popular disapproval.

At one of the sessions of the Bengal Legislative Council some years ago, Lord Carmichael observed:—"Government and opposition cannot exist in our assembly in the same sense as they exist in England, at any rate, if those who are not members of Government are to work effectively for their country. You non-official members beat us—the Executive Government—once—not long ago. I was not sorry when you did it, for it showed you what you could do. You may beat us again; and it may be well that this happens sometimes; but power carries with it responsibility and I trust that you will resist all temptations to beat us merely for the sake of beating us."

Similar counsel is necessary in the case of official members who may be tempted to vote on the side of Government in each and every case. They must feel inclined and be given liberty to exercise their judgment independently of the wishes and intentions of Government. Then only will, the ideal of Sir. V. Bhashyam Iyengar, alluded to above, be attained. But we feel it is inevitable that parties should grow up in the Indian Legislative Councils as they

exist in all the legislatures of the world. To-day, the elected members of the Councils, do appear to have been organized into a party, with some of the nominated non-officials, often co-operating with them, though there is not the same solidarity and systematic working on party lines seen among them as among, say, the Liberals, Conservatives and Labour members in England.

Chapter VI.

THE INDIAN CONSTITUTION.

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66. Scope of this Chapter.—In the last four chapters we have described the principal parts of the administrative machinery of India, have indicated their relations to one another and have given a fairly good idea of their working. It is, however, with other and apparently subordinate parts of the mechanism of Government that the people are brought into direct touch, and their well-being is affected by the manner in which those pieces of machinery operate. The district administration, the settlement and collection of land revenue, the protection of life and property by the Police, the dispensation of justice by courts of law, provision of medical relief in dispensaries and hospitals, the establishment and management of educational institutions, the construction of public works—these and other matters are of supreme importance to the public. It will, therefore, be the purpose of the later parts of this work to describe how the various departments of administration deal with the above objects of paramount public interest.

But before we proceed to that task it is necessary to bring the threads of the immediately preceding

last four chapters together and to present to the reader a clear idea of the nature of the present constitution of the Indian Government, of the character, powers and functions of the legislative and the executive Councils and of the directions in which development should proceed. The efficient working of the subordinate parts of the machinery of administration, has always to be ensured and, therefore, requires constant attention and care. Equally important, however, is the question of the supply of motive power which drives, regulates and controls the governmental machine. The status of a Government depends upon where the motive power is located and upon how it controls the administration. We propose, in this Chapter, therefore, to discuss problems connected with the character of the Indian constitution and to set forth a comparison between the frame-work of the Government of India and the constitutions of Great Britain and other countries.

Though the Indian Native States do not directly fall within the scope of this work, they are so intimately connected with British India and the future of the two is so closely bound up together, that a student of the Indian constitution cannot afford to leave them out of account. They are a vital integral part of the Indian Empire, and though their administration stands apart from the governmental machinery of British India, in matters of defence, relations with foreign countries, railways, canals, post office, and currency and partly also of national taxation, their interests and concerns are identical with those of the Paramount Power. How the Native States may be fitted into the constitutional frame-work of India and how they may be accorded a position worthy of their importance and consistent with their political status and their interests, are questions which have recently engaged public attention. It will not, therefore, be out of place here to touch upon the subject briefly.

67. India's Status in the Empire.—India is an Empire within the larger Empire. Its government is carried on by and in the name of the His Imperial Majesty through a Secretary of State, assisted by a Council, who is responsible to the British Parliament. India is, in fact, a Crown Colony, with no responsible government, but having legislatures which are partly elected. The British Empire has grown in a haphazard fashion and is composed of different races and communities possessing varying degrees of political liberty. Among these, self-governing Dominions like Canada, Australia and South Africa, stand on the highest rung of the ladder of self-government as they possess responsible governments as well as representative institutions. There are colonies like Jamaica and British Guiana which possess representative institutions, but not responsible governments and they come next to the Dominions. Below them are Crown colonies like the Straits Settlements and Trinidad with a lower political status where even the shadow of popular government does not exist. And lowest of all stand protectorates and spheres of influence.

The broad principle of distinction which marks off the colonies from one another and throws them into two most important groups, is the existence or absence of responsible government in the territories. By responsible government is meant a government that is answerable to the people, a government carried on by ministers who hold office at the will of the electors and who may be turned out by the members of the popular legislature representing the will of the people. The Dominions are self-governing because they have responsible government. And it is now the avowed ideal of the British Empire, enunciated by its responsible statesmen, to raise those parts of the Empire which are fit for it to the status of self-governing Colonies.

The rights even of self-governing Dominions are limited to the extent that they do not control their foreign relations and cannot make war or peace independently of the British Government. The Crown possesses the right of vetoing colonial legislation and is represented in their government by the Governors appointed by His Imperial Majesty. How the self-governing Colonies may be made to share this control of foreign affairs is a problem that is agitating the mind of thinkers. The Imperial Conference is a device adopted for the purpose of taking the Dominion ministers into the counsels of the Imperial Government. But some people are not satisfied with this device and want a permanent arrangement under which the affairs which are common to the whole Empire, shall be managed by an independent Imperial Cabinet responsible to an Imperial Parliament, distinct from and independent of the Parliament of Great Britain.

68. Imperial Conference.—Being only a dependency, not enjoying the rights of self-government, India was not represented in the Imperial Conference till the war forced upon the minds of British and Colonial ministers the reasonableness and necessity of India's representatives being allowed to participate in the proceedings of the Conference. The services India loyally and liberally rendered to the Empire during the war, clinched her claim to such representation in the Imperial assembly, and the seal of formal recognition and sanction was placed upon what was only a temporary arrangement by the Imperial War Conference's recommendation "in favour of India's being represented at future Conferences in a similar way to that in which the Dominions were represented, at the annual session of the Imperial Cabinet by a nominee of the Indian Government besides by the Secretary of State."

As Mr. Chamberlain observed in the House of Commons, "these decisions marked an immense advance in

the position of India in the Empire in admitting the Indian Government to full partnership in the Councils of the Empire.' But it must be borne in mind that while the self governing Colonies will be represented in the Imperial Cabinet by their ministers who are responsible to their people, and who will thus voice the feelings of the latter, the representatives of India, not being elected by the people will not be responsible to them. The improvement in the status of India will thus be still marred by the marks of her position of a dependency which her representatives will carry on them into the Imperial Cabinet. It is, however, a happy augury of the constitutional progress India is bound to make in the near future.

69. Indian Government not Responsible.—

Such is then India's position in the Imperial organization, and to it corresponds the character of its Government. The Government in India is centred in the Crown represented by the Secretary of State in Council, who has delegated some of his powers to the Government of India, the latter in its turn having delegated some of its authority to the Governments of the Provinces. In theory, the sovereign governs in Great Britain through his ministers. Orders are issued in the name of His Majesty and all functions of government are performed by and for the Crown. But in practice the king is not responsible for his acts—the ministers whom he is supposed to choose for carrying on the administration, are responsible to the people. The king nominally chooses his ministers, but unless they belong to a party which has the confidence of a majority of the members of Parliament, they cannot continue in office even for a short time.

The ministers who carry on the Government of India, viz. the Secretary of State and the Governors and members of Executive Councils, are not so responsible to

the members of Indian Legislatures. The Secretary of State is responsible to the British Parliament and therefore to the British people. It is, therefore, the British public and not the people of India who control even in theory the machinery of Indian Government. "At present the final authority in Indian affairs rests not with the Viceroy in Council nor with the Secretary of State, nor even with Parliament itself, but with the British electorate. In plain words a British election might easily turn on the question of self-government in India. Now in virtue of that final authority, Parliament, the agent of the British electorate, has already delegated certain powers to Indian electorates. It may and, in my opinion, should continue to hand over largely increased powers to Indian electorates. But responsible government means handing over the final authority in Indian affairs to the Indian electorate, and that, as I understand these matters, will not be achieved until at the capitals of India and of all its provinces there are Parliaments which by their votes can either turn their executive out of office or bring about a general election."*

The Government of India consists of the India Office, the Government of India and the Provincial Governments and Administrations. But the two latter are entirely subordinate to the Secretary of State who controls the machine on behalf of and in the name of the Crown. Certain powers are delegated to the Supreme and Provincial Governments for the sake of convenience and they can not initiate or alter policy and cannot take important measures without the sanction of the Secretary of State. It is becoming more and more anomalous every day that the authority which is responsible for the government of this country, should be responsible to the British public and not to the people of India, whose interests are prima-

* L. Curtis: "A Letter to the People of India."

rily involved in the administration of their affairs. Government's responsibility to the British Parliament was a necessary and a wholesome check in the past, but in the changed and changing conditions in India, the Government must be made responsible to the people of this country.

This means that the Secretary of State for India should be made to occupy the same position as the Secretary for the Colonies and the Government of India should be given the same status and powers as the Governments of self-governing Dominions. The Government of India must likewise be made responsible to the people of this country if this change is to prove beneficial. This seems to be the direction which constitutional development must take in India, and it is perfectly in consonance with the line of progress achieved in the Colonies which at one time, like India, did not enjoy responsible government. By what steps this goal should be reached, it is not for us to discuss here, but British and Indian statesmanship cannot prove unequal to the task of framing a scheme of reform.

70. Federal Government in India.—One very important question that requires consideration in connection with the problem of the reconstruction of government in India, relates to the relative positions of the Supreme and Provincial Governments. Government in India is to-day too much centralized and the Provincial Governments occupy a position of subordination. This arrangement was necessary in the past and was suited to the peculiar conditions which prevailed in India at one time. Increasing population, the growing complexity of national life and the rapid progress of the people, require decentralization of political authority and the transfer of power to Provincial Governments. Some of our Provinces are larger than certain countries in Europe and the

system of federal government seems to be the most suitable in India.

It is contended* that in countries where there is a federal form of government, the states united together were independent, and their union was forced by external pressure or by the urgency of the needs of internal reform, which could be carried out only by combination. This is true enough ; but it must be borne in mind that in a vast country like India, a system of autonomous provinces bound together by the ties of a union represented by the central government, viz., the Government of India, is alone calculated to be most conducive to beneficent administration. The fact that the Governments of the Provinces have never enjoyed independence and have always been subordinate to the Central Government, cannot be urged as a bar to federation, which is a union of states occupying a position of independence and equality.

John Bright proposed sixty years ago that the Presidencies should be absolutely independent of one another and of the Government of India. That idea will find no supporters to-day. But the experiment of federation has been made in several countries, and has proved a success. In the British Empire itself, Canada, Australia and south Africa have adopted this form of Government and a common-wealth of nations federated together for the good of the whole and of the parts, is held up as an ideal. Matters like military and naval defence, posts and telegraphs, foreign relations and currency, should be left to the central Government of India, and within their limitations, the Local Governments should be left free to manage their own affairs without interference from above.†

* See page 96 above.

† See page 35 above.

71. Indian Legislatures.—The law-making competence of the Indian Legislatures is limited by the powers reserved to itself by the British Parliament whose creatures they are. Certain matters are definitely excluded from the purview of the Supreme Legislative Council, and with regard to the rest also, besides the veto of the Crown, which may be exercised even in the case of the legislatures of the self-governing Dominions, the control of the Secretary of State for India is complete. An official majority was insisted upon in the Supreme Legislative Council on the ground that the Council should be in a position to reject legislation which did not meet with the approval of His Majesty's Government in England. In writing to the Viceroy, Lord Morley urged this argument by observing that the Supreme Council, "in its legislative as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes and must always owe, to His Majesty's Government and to the Imperial Parliament."*

The limitation of the legislative competence of the Indian Councils is the logical consequence of the responsibility of the Government of India to the Secretary of State and of the Secretary of State to the British Parliament. The Indian legislatures are non-sovereign and the Indian Governments are non-parliamentary. The Legislative Councils are only Executive Councils expanded for purposes of legislation. Additional members are invited to co-operate in the work of legislation and they are nominated and elected. This system has endowed the executive with powers which are not compatible with popular parliamentary Government in which the legislature completely controls the executive.

* Lord Morley's Reform Despatch.

The right of moving resolutions secured by non-official members in 1909 is, indeed, a valuable acquisition, and they have frequently been able to defeat the Government, the non-official majority in the Provincial Councils rendering this possible in certain cases. But after all, the resolutions are only recommendations which the executive may or may not adopt, and the budget discussions only provide an outlet for the expression of non-official views. In Great Britain and the self-governing Dominions, the resolutions of the legislature are binding on the executive which may be turned out of office and be replaced by another. The Indian executive does not hold office at the will of the legislature, but dominates it and can alone make the rules and regulations under the statute for the conduct of the business of the Councils.

72. The Executive.—The United States of America and Germany are two notable examples of states where there is no ministerial responsibility to the legislature. In these two states the executive hold office independently of the Legislatures and can not be turned out by Parliamentary vote. This is non-parliamentary government. Both systems have their advocates and their advantages and disadvantages. It has been suggested that in a country like India, the non-parliamentary system of government will be the most suitable, the members of the Executive Councils may be appointed by the Crown and the legislatures may be made fully competent law-making bodies. In non-parliamentary governments, there are ways in which the legislature can indirectly control the executive and the administration is more stable and efficient.

This scheme, however, finds no favour with people who want to bring the Government in India in a line with governments in the self-governing parts of the Empire. As a step towards the establishment of complete

responsible government, they would have half the number of the members of Executive Councils, elected by the elected members who would, as a rule, be in the majority in all Councils, the Supreme and the Provincial. These elected members would correspond to the ministers in England who control various branches of government and carry on the administration through the permanent civil and other services under them. The drawback of the above scheme would be that the head of the executive and other members who are appointed by the Crown may not be able to work harmoniously together with the members who are elected. In the British Cabinet the Prime Minister selects his colleagues who are expected to accord cordial support to him and they are all members of the same political party. In the United States of America, the ministers are chosen by the head of the executive, the President. An Executive Council whose members are half permanent officials and half elected amateurs, may not be able to work smoothly, though it may be urged on the other side that even the existing system is not quite free from the defect pointed out.

73. The Civil Service.—In a Parliamentary government such as that of the United Kingdom and the British Dominions, the policy and conduct of the various administrative departments are controlled by ministers who are jointly responsible to Parliament. Trained and expert officials carry on the routine work in subordination to the ministers. In the United States and Germany the ministers are appointed by and are responsible to the President and the Emperor respectively and they have under them a hierarchy of officials working the different departments. "The Civil Service of Great Britain is never permitted to forget that it is in a true and literal sense a body of servants whose work is liable at any moment to be brought under the master's eye.....In the

Crown Colonies, and more particularly in India, the spirit of the administration is widely different. Here the administration is the government, and nothing else particularly matters."*

The Indian Civil Service is the premier, the political, the governing service of the country. "The other services are excrescences, later developments due to the increase of specialization, grafts upon the parent tree, which is the Civil Service of John Company, now for many years taken over by the Imperial Government. The Indian Medical Service, the Indian Forest Service, the Public Works Department, the Education Department, the Police Service, have in every generation, possessed officers of ability and distinction, but however distinguished an officer of these services may be, he is always subordinate to the head of the district, who is a Civilian."†

As in the legislature, so in the matter of the executive, the most important problem in India has been the claim of the people to be more closely associated and entrusted with the work of government. The higher ranks of officers in almost all branches of administration are recruited in England, and a substantial and in certain cases an exclusive British element has been maintained as a matter of policy, at the top in all the services. The declared policy of Government has been to treat Indians on a footing of equality with Europeans and to make no distinction between them. But for various reasons, the higher ranks are reserved for Europeans and are recruited in England.

74. Public Services Commission.—This question of the Public Services has been the subject of prolong-

* The Empire and the Future, page 52.

† Ibid.

ed and animated discussion for more than a generation. The latest attempt to tackle it was the inquiry made by the Islington Commission whose report, like that of the earlier Commission, has failed to give satisfaction to the public, though in certain matters, it makes a halting attempt to meet the wishes of the people. It has recommended the abolition of the invidious distinction the Commission of 1886 had created, between Imperial and Provincial Services and has widened for Indians the door leading to the Civil and other services; but the report of the Islington Commission is regarded as obsolete in view of the change the War has brought about in the attitude of Great Britain towards the people of this country and of the unwillingness of the Commission to make suggestions that could have satisfied, to a large extent, the legitimate and reasonable expectations of the educated people.

The situation in regard to the Indian Public Services is briefly summarised in the report of the Islington Commission as follows :—

“On the European side the objection is not so much to the larger employment of Indians as to the form in which the demand for their employment is often put forward. It is also claimed that the number of Europeans admitted to the public services is small compared with the area and population of the country, and that the maintenance of British rule has its corollary in the employment of a European element in the more important services. Attention is also drawn by Europeans to the practical necessity of obtaining from Europe recruits for many of the scientific and technical services owing to the lack of educational facilities for producing candidates with the required qualifications in India. Doubt is expressed as to whether there is as yet in India a sufficient supply of young men with the capacity for administration to justify anything more than a slow and cautious advance in the utilization of an indigenous agency in the highest ranks of public services, and stress is laid on the point that the maintenance of a high level of efficiency in those services is necessitated by the conditions of government in India. The reply on the Indian side is that Indians are not wanting in the qualities required for administration and that such deficiency as may have been proved against individuals is largely due to their being persistently relegated to subordinate positions in which those qualities have little chance of being developed. It is urged that even when in theory Indians are supposed to enjoy the same status as their European colleagues, and are often actually performing the same duties, they are in various ways subjected to

differential treatment, and then this produces a galling sense of inferiority, which reacts on the quality of their work. Thus they are practically debarred from admission to the higher branches of certain of the public services, whilst in others they suffer under serious disabilities. They must in some cases proceed to England in order to pass the necessary examinations or to receive the educational training which cannot at present be obtained in India. All this, it is urged, is a breach of spirit if not of letter, of the statute of 1833 (3 & 4 Will. 4, cap. 85), and Queen Victoria's proclamation of 1858. Indians contend that their familiarity with the peculiarities of Indian character and customs and ways of thought, as well as with vernacular languages, constitute in the discharge of administrative duties an inherent advantage which hardly any European acquires in the same degree. A further point which they urge is that however valuable may be the services of a European official so long as he remains in India, the experience he acquires is lost to that country as soon as he retires and goes back to Europe: whereas the experience acquired by an Indian official endures in many ways to the benefit of his fellow-countrymen even after he has retired from the service. Whilst, therefore, admitting the necessity, on various grounds, of retaining an adequate European element, the Indians hold that the time has come when if properly qualified, they should be admitted in substantial numbers and on terms of equality with Europeans to the higher as well as to the lower branches of the administration. This, then, is one of the main problems which have been submitted for consideration. In the nature of things, no final solution of it is possible, but in subsequent chapters of this report we have endeavoured to indicate what in our opinion is the most suitable line of advance to meet the situation."

75. Native States.—The Indian Native States form a pretty large and important part of the Indian Empire, and in studying the government of this country, the questions relating to their status and their future relations with British India, must be carefully considered. It is complained that 'in the public discussions as to the future of India, reference to the Native States, which occupy a third of the continent is generally omitted and it seems to be assumed that political development will take the form of an extension of self-government upon a Western rather than upon an Eastern plan'.* Those who make such a complaint, do not realize how delicate is the ground on which people discussing the subject of Native States would have to tread. A reference to their affairs would not be liked by the States themselves and would be resented as un-warranted interference on the part of outsiders.

* The Empire and the Future, page 65.

But this state of things has now changed. The part played in the War by the Native States in co-operation with British India and the admission of a representative of the Princes and Chiefs along with those of British India, to the Imperial War Conference, brought these two constituent parts of the Indian Empire so closely together, that it began to be felt that they must advance hand in hand in the path of political, social and economic progress. The Maharaja of Bikaner who was chosen by Government to represent the Native States in the Imperial War Conference and other Princes who have given expression to their views in this connection, have made it clear that India will not and cannot remain what she was, and that the destinies of the Native States were linked with those of British India.

“ A Native State is a political community, occupying a territory in India of definite boundaries, and subject to a common and responsible ruler, who has, as a matter of fact, enjoyed and exercised, with the sanction of the British Government any of the functions and attributes of internal sovereignty. ”† The relations between the British Government and the Native States, are the relations of the Paramount Power and Feudatory States. In the case of some of the States they are laid down in regular treaties, and in the case of all, the mutual obligations are definite. The States came to occupy their feudatory position in different ways and at different times in the course of the development of British dominion in India, and their status and rights were determined by the peculiar circumstances of each.

76. Their Present Position.—The position of the Native States is thus briefly stated by Sir John Strachey :—
“ In the case of the more important States our supremacy was long ago recognized more or less completely by

† Lee Warner : Protected Princes of India.

treaty ; in the case of the smaller States, whether expressed and formally recorded or not, it has been one of the obvious conditions of their existence. Some of the States so far as their internal administration is concerned, are substantially independent unless their Government becomes so scandalously bad and oppressive that intervention is forced upon us; in other states the authority of the Chiefs is more strictly limited; in many of the smaller states it hardly exists in any independent form. But whether the state be great or small, there are certain rights which the paramount power always asserts. No Native State can have any political communication with any other Native State or with any foreign power without the consent of the British Government; no Native State can maintain more troops or military establishments than are required for purposes of internal administration, for the support of the reasonable dignity of the Chief or except in accordance with its recognized obligations towards the British Government; there is no Native State in which civil war would be permitted or in which in case of gross and systematic injustice and tyranny, the British Government would not interfere for the protection of the people. This last right is the necessary consequence of our absolute power and it has been frequently exercised."*

The rulers of the larger and the more important of the States enjoy rights of sovereignty except that they can have no dealings with other States and foreign powers and would invite the interference of the British Government if they abused their sovereign powers even in internal administration. They naturally desire that the Paramount power should not interfere in the affairs of their States and that they should not meddle in matters relating to British India, though the Native States have ever cheerfully

* India its administration and progress.

co-operated with the British Government in carrying out objects of common interest to the whole country and the Empire. There are various questions of this nature in which the assistance of the States is sought by the Government of India which has to secure uniformity in laws and in the administration of certain departments. The Chiefs' conference which met at Delhi in the latter part of 1916, to discuss questions relating to the common interests of Native States and of the British Government, brought into relief the peculiar position referred to above.

77. Two Problems.—There are two important problems of vital importance at the present moment regarding the Native States, first, the development along new lines, of their relations with the machinery of the Government of British India and, second, the improvement of the internal administration of the States on modern principles. In a statement made to the *London Times*, the Maharaja of Bikanir is reported to have observed that the Indian Princes would rejoice to see India politically progressing on constitutional lines under the British Flag, and to have remarked that many of the Native States were already associating their subjects in the work of legislation and administration.

Popular assemblies of one kind or another have already been established in Mysore, Travancore and Baroda and though they have hardly greater powers than the Legislative Councils in British India, the very fact that they have been created in States where personal and irresponsible government of the ruler has prevailed for generations, is highly significant. The progress of popular government in British India is sure to produce a beneficent effect on the Native States and the reforms introduced by rulers of the latter will have a similar effect upon the administration of British India.

How to fit the Native States into the machinery of the government in British India, is an extremely difficult question. As Lee Warrer remarks, the tie which binds the States to the Paramount Power to-day is not international, nor feudal nor constitutional. He prefers to call them "sovereign states;" and they are united to the people of British India by a common loyalty and devotion to the King-Emperor. But in the coming reconstruction of the Empire and in the political progress of people directly under the rule of the Crown, the Native States will have to be constitutionally linked to British India. They cannot remain outside, and a scheme will have to be devised under which the rulers and people of Native States will be more closely associated with the people of British India in the administration of the country.

78. Imperial Advisory Council.—The necessity of associating the Princes and Chiefs, in some way, in the discussion of larger questions of Imperial policy, has been felt by the Government of India, who in their circular to Local Governments and Administrations, dated 24th August, 1907, observed:—"It has, however, long been felt that considerable advantages might be expected from any measures, which without impeding the free action of the Executive Government of India in the general conduct of affairs, would in some degree associate the great Ruling Chiefs and the territorial magnates of British India with the Governor General in the guardianship of common and Imperial interests.....For this purpose, what appears to be needed is an Imperial Advisory Council of sufficient size and weight to represent the views of the hereditary leaders of the people, both in British India and in the principal Native States, to be consulted by the Governor General either individually or collectively or by means of committees appointed from among their number, on questions of sufficient moment to call for their advice....."

The Government of India's scheme of this "Imperial Advisory Council," formed for purely consultative purposes, and composed of Ruling Chiefs and territorial magnates of sufficient importance, did not find general favour and objections were taken to its composition and its merely advisory character. In their Reform Despatch of 1st October, 1908, the Government of India made a modified proposal, suggesting an Imperial Council composed only of Ruling Chiefs and, in addition, an Advisory Council composed exclusively of Notables of British India. Besides the Imperial Advisory Council, there were to be Provincial Advisory Councils composed of the representatives of land-holders, capitalists, merchants and professional classes and 'each local Government was to be at liberty to consult its Advisory Council, either individually or collectively in regard to any provincial question.'

79. The Council of Notables.—In the opinion of the Government of India, these Councils would have provided 'a means of obtaining advice both on proposals for legislation and on administrative questions and of conveying information as to the intentions and motives of Government,' but they would not have marked any advance in the development of representative or responsible Government. It is good that Government should consult leaders of public opinion, but it is better, and absolutely essential in the interests of constitutional progress, that there should be a statutory obligation on the Government in this matter and that it should be guided and controlled by the views of the representatives and leaders of the public.

Lord Morley was not opposed to the idea of an Imperial Council composed only of ruling chiefs, but he did not appear to be very enthusiastic about it and as regards

the Council of Notables, he almost positively deprecated the proposal. "I am inclined furthermore," he stated in his Reform Despatch of 1908, "for my own part, to doubt whether the creation of Provincial Advisory Councils is likely to prove an experiment of any marked actual value." In the matter of the Imperial Council of ruling Chiefs, Lord Lytton made an experiment but it bore no fruit. 'Lord Curzon afterwards proposed to create a Council composed exclusively of Princes contributing Imperial Services Troops, and deliberating on that subject exclusively. Opinion pronounced this also likely to be unfruitful and ineffectual in practice.' Lord Minto's scheme was not calculated to be either more practicable or useful and the matter ended there for the time being.

The Native States and British India stand apart, though side by side, with an impassable gulf dividing them. An attempt has recently been made to bring the two closer by conferring upon the rulers and subjects of the States certain rights in British India. The Government of India (Amendment) Act, 1916,* provided:—"Subject to any rules made under this section, any person who is a ruler or subject of any State in India shall be eligible to be nominated a member of a Legislative Council."

It further provided:—"Notwithstanding anything in any other enactment, the Governor General in Council, with the approval of the Secretary of State in Council, may, by notification declare that, subject to any conditions or restrictions, prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office

*An Act to amend certain enactments relating to the Government of India, and to remove doubts as to the validity of certain orders in Council made for India.

under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe in territory adjacent to India, shall be eligible for appointment to any such military office."

Serious objection was taken to these provisions when they were under discussion. It was contended: 'The subjects of Native States were not British subjects and had no business to meddle with British Indian legislation' and that 'the importation of the subjects of the Native States into the British Indian service and the consequent curtailment of the field of Public Service available to the yearly increasing numbers of educated young men in British India would only serve to accentuate the grievance of the British Indian subjects and would be politically unwise.'

With regard to the proposals concerning rulers of Native States it was urged that they could have no claim to advise in matters relating to the administration in British India and that apart from this question of right, the rulers themselves would be placed in an extremely awkward position when they were called upon to participate in the work of legislation affecting British India or were appointed servants of the Crown. In spite of these serious objections, however, the Bill was passed and the Act of 1915 was amended accordingly.

80. Different Solution Necessary.—The question cannot, however, rest there and interest in it has been revived by the part Princes and Chiefs have played in the War side by side with the people of British India. Matters of defence, military and naval, require the active co-operation of the Native States. Taxes affecting the whole of India and measures, which relate as much to the Native States as to British India, require a permanent machinery

that will deal with such problems. Mere advisory councils will not do. The creation of a kind of a House of Lords composed of ruling Chiefs, with the Supreme Legislative Council as the second Chamber, may suggest itself to some minds. But the adjustment of the relations of the two bodies to each other, is more difficult than it is supposed.

Then, again, if the Princes and Chiefs are given the privilege of being associated in the government of British India, in any degree, will it not be legitimate for the people of British India, to claim the right of having a say in matters relating to the affairs of the States? How to fit the Native States into the constitutional mechanism of Indian Government consistently with their historical position and their rights and with the position of His Majesty's subjects in British India, is the problem that demands solution at the hands of statesmen. It is admittedly an extremely difficult problem as we have remarked above, but it is one that ought not to be beyond the powers of British and Indian statesmanship. The States themselves will have to take up the question in right earnest and must unanimously decide to come in a line with British India and unite with it constitutionally, with the privileges of their rulers left intact and modified by themselves in the interests of progressive government.

(1) The constitutional development of British India must have for its object the establishment of responsible government; (2) which means that the government of the country must be guided and controlled by the representatives of the people; (3) for this purpose, the executive will have to be made entirely responsible to the legislatures; (4) and the legislative assemblies in the Provinces must have the power of making laws, levying taxes and supervising the administration, subject only to

the usual control of the Crown ; (5) the Provincial Governments will be united into a federation with the Government of India at the head ; (6) this central government will control and manage only such affairs as cannot be left to Provincial Governments which will be autonomous, except in matters which will be left by the constitution to the Government of India, such as defence, foreign policy, currency, post and telegraph and so forth ; (7) the Native States will have to be fitted into this scheme of reformed government. "Yet the facts of the situation would seem to indicate that if ever India is removed from the category of dependencies into the category of dominions, the constitutional pattern of the new states must be a federation in which hereditary monarchies and principalities are 'included as constituent parts.'"* (8) The representatives of India have been already admitted to the Imperial Conference and the legitimate rights of this country in that behalf have been conceded. (9) The self-governing Dominion of India will stand on the same footing in the Empire as an important constituent part and will have the same status as as the self-governing Colonies.

*The Empire and the Future, page 66.

CHAPTER VII.

DISTRICT ADMINISTRATION.

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81. People and Government.—We have so far described those parts of the machinery of Indian administration in which resides the chief motive power, on a larger or smaller scale, and pointed out the interaction of these main pieces of that stupendous mechanism. It will be our duty now to deal with the other parts of the machinery which, though less powerful and imposing, are yet more intimately related to the condition of the mass of people whose good is the ultimate aim and test of every Government. The man in the street knows little about the Secretary of State, the Supreme Government and even the Provincial Government. What does the cultivator or craftsman know about the Legislative and Executive Councils? The Collector and the Mamalatdar are to him the *Sarkar*.

Though the motive force which drives the smallest and most distant wheels of Government is primarily derived from the higher authorities, the common people are more concerned with the district administration with which they come daily and directly in contact rather than with

the exalted seats of power. The weal or woe of the ordinary subject depends mainly on the system of administration that obtains in the small town and village and upon the persons who carry it on.

That is, however, the most desirable form of Government in which the administration is carried on strictly in harmony with the needs and ideas and sentiments of the people governed, expressed through their accredited representatives. Modern tendencies are evidently moving in the direction of forms of government which place the fullest powers as low down in the administrative scale (i. e. as near the section of the population immediately affected) as can safely be arranged, such powers alone being centralized as cannot be efficiently exercised otherwise.'

In the last Chapter, the powers and functions as also the mutual relations of the Government of India and the Local Governments, have been described, and it must have been perceived that under the control exercised by the Supreme Government in all matters, the latter occupy a condition of helpless dependence. While on the one hand a stupendous system of centralized administration has grown up, deriving its life and motive force from a single centre at the top, there has been a serious weakening of administrative authority and independent initiative at the various local centres at which the administration is in the closest contact with local conditions, needs and sentiments, *viz.* the district and the village.

82. Decentralization of Power.—Enough has been already said about the question of centralization of authority in the hands of the Government of India and of the state of dependence to which the Local Governments have been reduced. But the problem of government, conducive to the well-being and progress of the mass of people, will not be solved by the mere transference of

authority from one centre to the other, say from Delhi to Bombay. If it may be claimed on behalf of Provincial Governments that their officials have the advantage of more intimate knowledge of local conditions and local needs, it may be urged on the side of the Supreme Government that they enjoy a much greater freedom from local prejudices and local prepossessions and a wider outlook—qualities which are very important in a country like India. While, therefore, a considerable measure of decentralization is essential with a view to strengthen the hands of Local Governments so as to enable them to take measures which are calculated to promote the welfare of the people immediately entrusted to their charge, the place of the Imperial control that is removed must be taken up, to a substantial extent, by popular control exercised not only in the Provincial Legislative Councils but also in the District Councils that may be created for the purpose of assisting the Collector in the matter of district administration.

✓ One grave defect of the present system of district administration is that it is not in touch with popular opinion, much less is it amenable to popular control. The need of decentralization in district administration is great 'but it must be decentralization accompanied by measures for larger association of popular representatives with the work of the administration'.† The mere delegation of more power to the Collector of the district will not do. 'The only remedy lies in carrying a substantial measure of decentralization down to the villages and in building up local self-Government from there'.† ✓

83. The Collector-Magistrate.—The principal unit of administration in British India is the district of which there are some 271, and a province may be regarded as a collection of several districts which are

† Gokhale's Speeches.

themselves split into subdivisions and these again into smaller circles. The system of administration is thus based upon a repeated subdivision of territory, each administrative area being in the responsible charge of an officer who is subordinate to the officer next in rank above him. The average area of a district is over 4,000 square miles, and the average population over 9,00,000. The actual districts vary greatly in size and density of population. They are largest in point of area in Burma and Madras and smallest in the United Provinces. Thus the Vizagapatam district in Madras, has an area of 17,233 square miles with a population of over thirty lakhs; the Upper Chindwin district in Burma, has an even larger area, of over 20,000 square miles, but a population of only 1,70,000; while the Mymensing district in Eastern Bengal has a population of over 45 lakhs on an area of 6,347 square miles.

Each district is under a Collector (styled Deputy Commissioner in the Non-regulation provinces) who is the local representative of Government in its general dealings with the people and, as his two-fold appellation Collector-Magistrate indicates, he is both the principal revenue official and the Chief Magistrate. The duties he has to perform are manifold—almost bewilderingly manifold. As Collector, he is not merely responsible for the collection of most branches of the revenue but is concerned with the various relations existing between Government and the agricultural classes, which represent two-thirds of the total population in British India. Thus he is concerned with questions relating to the registration, alteration, relinquishment or partition of land-holdings, which pay revenue direct to the Government, and, in the greater part of India, has to deal in these respects, with an immense number of petty peasant proprietors. He is, likewise, in most provinces, concerned with the adjudication of disputes between landlords and tenants.

Besides dealing with land and the land revenue, the Collector has charge of the local administration of excise, income tax, stamp duty, and other sources of revenue, and he is responsible for the management of the district treasury. He has to keep a careful watch over the general circumstances of his district, and in times of famine or severe agricultural distress, he is responsible for the administration of relief and other remedial measures. He also deals with the grant of loans to agriculturists, and with the preparation of agricultural and other statistics; and he has a general control over the working of the Forest Department in his district in so far as this touches on matters affecting the economic or other interests of the people. In such branches of the administration his functions are, in consequence of the formation of special departments such as those of public works, forests, sanitation and education, less direct than was formerly the case, but even in these matters his active co-operation and counsel are still needed.

The Collector also guides and controls the working of municipalities, and he is often the actual chairman or presiding officer of one or more of these. He usually presides over the district board, which, with the aid of subordinate local boards, where such exist, maintains roads, schools and dispensaries and deals with vaccination and sanitary improvements in rural areas. Finally, he has to furnish information on all important occurrences in the district and he is called upon to advise on any general scheme affecting it which may be under consideration.

As a Magistrate of the first class, the Collector, in his capacity of District Magistrate, can imprison for two years and fine upto Rs. 1,000; in practice, he does not try many criminal cases, though he supervises the work of all the other Magistrates of the district. He is res-

possible for the peace of the district and the suppression of crime and has general control over the working of the police. In short, the Collector-Magistrate is the eye and ear of the provincial Government and to the people who have to look up to him in everything, he is Government itself.

84. The Sub-division.—Each district is usually split up into a number of sub-divisions, which are in charge either of junior officers of the Indian Civil Service or of officers of the Provincial Service styled Deputy Collectors, and these again into minor charges bearing different names and held by officers of the subordinate service. The functions of the sub-divisional officers who are all Magistrates as well as revenue and executive functionaries, vary in different provinces. Except in Bengal, there are smaller sub-district units styled talukas and tahsils administered by Tahsildars, or Mamlatdars as they are called in Bombay proper, and Mukhtyarkars in Sind.

In Madras, every district is parcelled out into sub-divisions, (each sub-divisional officer residing permanently within his charge), the limits of which can be altered only by Government. Subject to certain specific restrictions and limitations, he exercises within his charge the ordinary powers of a Collector in revenue matters, the District Collector acting as a supervising, controlling and appellate authority. As a Magistrate he is responsible for the criminal work in his sub-division and ordinarily exercises first class powers himself and hears appeals against decisions of second and third class magistrates. Thus in Madras each sub-division is treated as a miniature district and the sub-divisional officer as the subordinate Collector himself.

In Bombay proper, sub-divisional charges are not rigidly fixed, but can be altered for revenue purposes at

the Collector's discretion and the sub-divisional officer does not permanently reside within his sub-division. In Bengal too there is a definite sub-divisional system. The head-quarters sub-division which is usually the largest in the district, is however, in the Collector's own charge. As in Madras, sub-divisional officers live in their sub-divisions which can be altered only by the local Government. There is nothing in that province corresponding to the Tahsils and Talukas of other provinces. The Tahsildar has been described as the non-commissioned officer of the administration. He is the person in closest touch with people and to him the Collector and the sub-divisional officer on the one hand and the rayats on the other, look most for information. The Tahsildar is not merely responsible for revenue and criminal work; he usually takes a large share in the deliberations of rural boards and municipalities and in the carrying out of their resolutions.

At the basis of the system of district administration lies the village organization which is an institution of great antiquity and which, with the loss of some of its features, has now been adapted to the changed conditions of the times. Of the village officials, who are largely hereditary, the most important are the headman, who collects the revenue and in some provinces, particularly in Madras and Burma, may also be a petty magistrate or civil judge; the Karnam, Karkun or Patwari who keeps the village accounts, register, and in general, all records connected with the land revenue and the Chaukidar or village watchman who is a rural policeman.

85. General Review.—The following general review of district administration in the Bombay Presidency taken from the 'Annals of Indian Administration,' is reproduced below as it is calculated to give a clear idea of the subject we have been dealing with, though the des-

cription is not accurate in certain particulars, the system having now been slightly modified.

"An average Collectorate contains twelve Talukas or subdivisions, each of which contains about one hundred Government villages; that is to say, villages that are not alienated and the total revenues of which belong to the State. Each village has its regular complement of officers who are usually hereditary. The officers on whose services Government is mainly dependent, are the Patil, who is the head of the village for both revenue and police purposes; the Talati or Kulkarni who is the clerk and the accountant; the Mahar who is a kind of beadle; and the watchman. The Patil and Kulkarni either hold a certain quantity of rent-free land or are remunerated by a cash payment equivalent to a certain percentage on the collections. The mahar and watchmen, in common with other village servants also hold land on more or less favourable terms as regards assessments and receive besides grain and other payments in kind from the villageis. The other servants are the carpenter, blacksmith, potter, barber, and others whose services are necessary to the community. A village is, for Government or social purposes, complete in itself, and is so to speak, independent of the outer world. The revenue accounts of a village are simple but complete. The survey register is the basis of them. Every occupant is given a separate receipt book in which the total amount of his holdings is entered and the Patil and Kulkarni are bound, under heavy penalties, to record in it the sums he has paid. Each year what is termed the *Jamabandi* of the village is made at which time the total amount of the revenue due from the village is made out. In point of practice this is now, as far as Government interests are concerned, a very simple business, as there is little or no unoccupied land, and the *Jamabandi* as nearly as possible represents the sum entered in the register. But it is a process that nevertheless is of considerable use and could not be safely dispensed with. In the first place, it brings the Assistant or Deputy Collector in actual contact with each village in his charge and enables him to judge of its wants and requirements. It is a time at which all cultivation and other returns useful for statistical purposes can be checked. Above all, it is the time at which the village accounts can, at best, be examined, transfers of numbers verified and such a scrutiny made as is essential to the protection of the individual occupant from fraud.

"Over each Taluka or subdivision of a Collectorate there is an officer termed Mamlatdar whose salary varies from Rs. 150 to 250 *per mensem*. The Mamlatdar is responsible for the treasury business of his Taluka. He has to see that the instalments are punctually paid by the several villages that the village accounts are duly kept, that the occupants get their payments duly receipted, that the boundary marks are kept in proper repair and, in fact to see that the village officers do their work properly. He has also to look after the administration of the Local Funds, and is a Subordinate Magistrate. The system must be entirely one of check and percentage examination. A certain number of villages are appointed to the several members of the Mamlatdar's establishment and

placed under their supervision : it is his business to see by personal examination that they do their work. An Assistant or Deputy Collector is placed in revenue charge of, on an average, three Talukas. He has to travel about them during seven months in the year. He has to satisfy himself by direct personal inspection that the revenue work is properly done ; he sees that the revenue of each village is properly brought to account at the time of the annual *Jamabandi*, nominates the village officers, judges for himself of the wants of his Talukas in respect of local roads, wells, tree-plantation and the like, hears appeals from the orders of Mamlatdars, replies to references made by them and generally supervises their proceedings. The Collector and Magistrate is placed over the whole district. He has also to travel at least for four months in the year. The Revenue Commissioners, of whom there are three (*Now four*)—two (*Now three*) for the Regulation Districts and the Commissioner in Sind—exercise a general superintendence and control over the revenue administration of the presidency. These officers are constantly on the move in their respective divisions during the fair season. They have thus an opportunity of judging for themselves of the requirements of the several parts of the country, of the manner in which both the revenue and police administration is being carried on and of the qualifications of the several officials. They entertain appeals from the Collectors' decisions and are the channel of communication between them and the Government. From June to October the Commissioners of the Regulation Districts reside at Poona (*Since 1890 the head-quarters of Commissioners have been removed from Poona to stations in their several divisions*) which is also at that season the head-quarters of the Government."

86. The Commissioners.—With the exception of Madras all major provinces possess authorities intermediate between the Collectors on the one hand and the Provincial Government on the other. These officials are styled "Commissioners of Divisions". A division is a group of several districts, usually from four to six, of which the Commissioner has the general superintendence and in which he also acts as a court of appeal in revenue cases. Originally the Commissioners were invested with very large powers in revenue matters and had police and judicial jurisdiction also. Owing to various causes they gradually lost some of these powers. Thus they were dissociated from judicial functions and there was a steady diminution in their powers and a lowering of status also. In Bombay, however, they occupy a much higher position than elsewhere, and the Commissioner in Sind occupies a

special position, being described as 'a minor Local Administration under a major Local Government'.

The Commissioner's work is primarily concerned with the administration of the revenue and cognate questions, and he discharges important duties as a court of revenue appeal. In the matter of revenue settlements his functions are merely advisory, but in regard to the collection of land revenue, he usually enjoys certain powers of suspension, and, in some provinces, of remission also. In certain provinces he appoints revenue officers even of the higher grades and is entrusted with the authority, subject to provincial rules and conditions, to make grants of loans to cultivators and land-holders and to make remissions when that is necessary, and he has much to do with the management of private estates under the Court of Wards.

The Commissioner also possesses varying powers of control with respect to other sources of revenue which are directly managed by the Collector. He has little voice in the administration of other departments such as the Public works and Education and the Police, but his control over the district boards and municipalities is considerable. The Royal Commission on Decentralization felt that the growth of special departments within recent times had led to fissiparous tendencies in the district administration which there was no authority to restrain and recommended that the function of exercising a general co-ordinating control should be assigned to the Divisional Commissioner. They were convinced that the position of that officer was not sufficiently strong in several respects and suggested that he should be armed with greater power of control.

87. Boards of Revenue.—In all the major provinces except Bombay, there is a Board of Revenue or Financial Commissioner, dealing, under the Provincial Government, with all matters relating to revenue adminis-

tration which are deemed to require the control of a head-quarters authority. In Madras, where there are no divisional commissioners, the Board's members exercise powers in regard to excise and revenue settlements which in other major provinces are vested in separate commissioners. In that province the Board of Revenue consists of four members, two of whom deal with matters specially connected with the land revenue, a third with settlements, agriculture and land records, and a fourth with salt, excise, customs, income tax and stamps. In the United Provinces the Board consists of two members, and in the Punjab, Burma and the Central Provinces there is a single Financial Commissioner performing the functions of the Boards of Revenue.

In all these provinces there are territorial Commissioners who are subordinate to the Board of Revenue in revenue matters. The Boards seldom sit collectively and the members thereof have different branches of work assigned to them. In all matters connected with the land and the collection of revenue, the Boards and Financial Commissioners are responsible for the general unity, co-ordination and efficiency of the administration, and they initiate and are consulted on, any new departure in policy or method. Their appellate functions in revenue matters are very important.

88. The Departments.—Almost all the administrative work of the districts was originally done by Collectors and their subordinate subject to the supervision of Commissioners and Boards of Revenue. In course of time, however, separate administrative departments have been evolved, the most important of which are those dealing with Public Works, Education, Police, Forests, Medical administration, Sanitation and Prisons. In each province these departments have their own separate heads and staffs. There are, for example, Chief Engineers, the Directors of Public Instruction, the Inspectors General of

Police, Conservators of Forest, the Surgeon General or Inspector General of Civil Hospitals, the Sanitary Commissioner and the Inspector General of Prisons. There are also other heads of departments who are more closely associated with the district organization such as the Commissioner of Excise, the Director of Agriculture, the Director of Land Records and in some provinces, the Commissioner for Revenue settlements.

The scope of this Chapter does not require an account of the constitution and functions of these departments, some of which will be dealt with in later Chapters. We may, however, refer here to two district officials who are connected with each district, *viz.* the Superintendent of Police and the Civil Surgeon. There was a time when the Collector-Magistrate was also the head of the Police of his district; but now the police force of each district is under the control of a Superintendent. With respect to the distribution and movements of the police, the preservation of order and the repression of crime, the District Superintendent occupies a position of subordination to the Magistrate who, in this as in other matters, is the head authority and representative of Government within his district. But in matters connected with the general organization of the force, he is subordinate to the Inspector General of Police. The district jail is in charge of the District Medical Officer styled the Civil Surgeon, who supervises hospitals and dispensaries and is generally responsible for the health of the people in the district.

89. In Non-Regulation Provinces.—We stated in the Fourth chapter that the distinction between 'Regulation' and 'non-Regulation' provinces has now been practically obliterated and that the system of administration in the latter has come steadily to conform to that obtaining in the Regulation provinces. The district organiza-

tion described above, therefore, does not materially differ from the form of administration in the non-regulation provinces. One important point of difference is that in the latter the higher posts are not wholly reserved to the Indian Civil Service. In former times the members of the 'Commissions' of the non-regulation provinces were recruited from various sources ; recruitment is now, in general, confined to the Indian Civil Service and officers of the Indian army. The recruitment of military officers has been discontinued, during the last ten years, in the Punjab and Assam, and Burma is the only major province in which military as well as civilian officers are still recruited for the commission.

In the non-regulation provinces, the officer corresponding to the Collector of the regulation provinces is styled Deputy Commissioner and the officers corresponding to the Assistant Collector and Deputy Collector, are called Assistant Commissioner and Extra Assistant Commissioner respectively. The district administration is carried on on much the same lines as in the regulation provinces but the District Magistrates are invested with greater criminal jurisdiction. The Commissioners were formerly endowed with extensive judicial powers of which they have now been relieved by the institution of separate officers. This same form of administration obtains in the minor provinces with slight modifications suited to their peculiar conditions.

90. Other Functionaries.—The organization of district administration as well as the system of the Government followed at the head-quarters has now been described. The picture cannot, however, be complete unless we give some idea of other functions and functionaries, besides those dealt with above, that form part of the general administrative machinery of a province. We shall take the Bombay Presidency as a type and

specify these various departments with remarks on the powers and duties of each.

The Commissioner of Customs, Salt, Opium and Abkari is the head of these departments in the Presidency proper. In Sind, the four departments are under the Commissioner in Sind. The Collector of Customs is in immediate charge of the Customs administration of the Port of Bombay. He has under him six Assistant Collectors two of whom, including the Covenanted Civilian Assistant, belong to the Imperial Customs Service. The chief Collector of Customs in Sind with two Assistant Collectors is in charge of the Customs administration of the ports in the province of Sind. The Collector of Salt Revenue is in charge of the Salt Department in the Presidency proper and of the Customs administration of all ports except Bombay and those in Sind. He has under him ten Assistant Collectors together with a large staff of inspectors and minor officials. The Assistant Commissioner of Excise, Salt and Opium in Sind is in charge of these departments in that province.

The administration of the Abkari and Opium Departments is vested in the Collectors of the districts through their ordinary revenue and police establishments, assisted by a staff of Assistant Collectors of Excise and Inspectors. The Settlement Commissioner and Director of Land Records is in charge of the conduct of Surveys, compilation and maintenance of Land Records, imposition of assessment and, in particular, the preparation of the register of title or record-of-rights in land. He is also Inspector General of Registration and as such has the control of registration operations under Act III of 1877 and the Deccan Agriculturists' Relief Act, 1879, throughout the Presidency including Sind. For the purpose of registration, the Presidency is divided into districts and sub-districts which correspond in the main to the revenue

Collectorates and Talukas. The Collector is Registrar of the district, and in matters affecting registration takes his orders from the Inspector General of Registration.

The Director of Agriculture directs the operations of the Agricultural Department, in conducting experiments at agricultural stations, giving advice, disseminating information and supplying seed for new crops. He has under him two Deputies and also controls the Agricultural College. The Director of Agriculture is also the Director of Co-operative Credit Societies of which a Registrar is in direct charge, and the Controlling Officer of the Civil Veterinary Department, which is under the immediate supervision of the Superintendent, Civil Veterinary Department. For the purposes of Forest administration, the Presidency has been divided into four forest circles three of which are in charge of Conservators of Forests and one in Sind of a Deputy Conservator. Except in technical and account matters, the Conservators are subordinate to the Commissioners and the Divisional Forest officers to the Collectors.

The Surgeon General with the Government of Bombay is the head of the Medical and Sanitary Departments. Under him are the Sanitary Commissioner, the Civil Surgeons of the different districts and the Presidency Surgeons and Medical officers of the hospitals in the Presidency Town and the Health Officers of the Ports of Bombay, Karachi and Aden. The Surgeon General is also the president of the Sanitary Board. The Sanitary Commissioner with five Deputies is in charge of the Sanitary Department. These officers are to superintend and encourage the sanitary measures in the districts and towns included in their charges. The Sanitary Commissioner is also entrusted with the supervision of vital statistics; and is in sole charge of vaccination. The Director of

Public Instruction is the chief controlling officer of the Educational Department.

For Educational purposes each district is provided with a Deputy Inspector, and there are four Inspectors, one for each revenue division and one for the province of Sind. The Inspector General of Police is the head of the Police Department outside the city of Bombay. The Presidency districts are divided into two ranges, and a Deputy Inspector General is appointed to each. The direction and regulation of the police throughout a district is vested in the District Superintendent as executive head of the force under the command and control of the District Magistrate. The Inspector General of Prisons exercises general control and supervision over all prisons situated in the Presidency. For the administration of the Public Works Department, the Presidency, including Sind, has been divided into five divisions each of which has been subdivided into subdistricts, the total number being 37. Each division has a Superintending Engineer in charge and each district an Executive Engineer. Above these stands the Chief Engineer.*

91. Indian Civil Service.—A reference has been made to the position of the Indian Civil Service and the inquiry and report made by the Islington Commission which was instructed to examine and report upon the following matters with reference to these Services:—

- “(1) The methods of recruitment and the system of training and probation ;
- (2) The conditions of service, salary, leave and pension ;
- (3) Such limitations as still exist in employment of non-Europeans and the working of the

* Memorandum showing the organization of the Government of Bombay submitted to the Decentralization Commission.

existing system of division of Services into Imperial and Provincial ; and generally to consider the requirements of the Public Service, and to recommend such changes as may seem expedient."

The Public Service question in India has a long and chequered history. The East India Company Act of 1793 reserved to members of the Covenanted Civil Service the principal civil offices in India under the rank of Member of Council. Appointments to this Service were made in England by the Court of Directors. It was called 'covenanted' because the superior servants of the Company were required to enter into a covenant by which they were bound not to trade, not to receive presents, to subscribe for pensions and so on. The covenant has not been dispensed with though the Service is now simply called the Indian Civil Service.

The Statute of 1833 abolished the monopoly of office by which Indians had been kept out of the principal offices under the Government. But effect was not given to this enactment, and during the next twenty years not one Indian was appointed to the offices from which the sons of the soil had been excluded. In 1853 the system of nomination and patronage was abolished and the principal civil appointments were thrown open to competition among the natural-born subjects of Her Majesty. That system was maintained by the Statute of 1858 and has continued up-to-date.

The Statute itself did not exclude Indians from the Covenanted Civil Service but the Regulations framed under it placed serious obstacles in the way of Indians, so that the old system of exclusion practically remained unaffected. "From 1853 up to when the Statute of 1870 was passed, there was only one Indian admitted to the Civil Service as against 825 Europeans. From 1870 to

1886, the date of the Public Service Commission, there were 11 Indians as against 576, from 1886 to 1910, 68 against 1,235 Europeans. Thus from 1853 up-to-date, there were only 80 Indians as against 2,636 Europeans—about three per cent. At the present moment, we find 64 Indians as against 1,204 Europeans, a little over 5 per cent of the total strength of the Civil Service.”*

The memorable Proclamation of 1858 confirmed the principle laid down by the Statute of 1833 but nothing was done to redress the Indian grievance. The Indian Civil Service Act of 1861 reserved to the members of the Service practically all the higher appointments in the Regulation Provinces and power was taken for the appointment of outsiders to such reserved posts. This law, like its predecessors, was followed at the time by no practical endeavour to employ Natives of India in posts generally reserved to the ‘Covenanted Civil Service’. Then followed the Statute of 1870 which, with a view to providing additional facilities for the employment in the Civil Service of Natives of India of proved merit and ability authorized the appointment of Indians to these offices subject to rules to be laid down by the Government of India with the sanction of the Secretary of State.

The rules were not, however, issued till nine years later and in 1879 what was called the ‘Statutory Civil Service’ was established. During the seven years that followed, 60 appointments were made under these rules, but the system was found to work unsatisfactorily as no steps were taken to appoint the best men in the country. The intention of the arrangement was that about a sixth of the posts reserved by law to the Covenanted Civil Service should be filled by Indians under the rules and in

*The Public Service Question in India by the Hon’ble Mr. N. Suba Rau Pāntulu, B. A. B. L.

order to give gradual effect to this scheme the number of appointments made in England was, in 1880, reduced by one-sixth.

92. Aitchison Commission.—The whole question was re-opened by Lord Dufferin's Government, and in 1886 the Public Service Commission, presided over by Sir Charles Aitchison, was appointed 'to devise a scheme which may reasonably be hoped to possess the necessary elements of finality and to do full justice to the claims of Natives of India to higher and more extensive employment in the Public Service.' The Commission pronounced itself (1) against holding simultaneous examinations in England and India, and recommended (2) that there should be two distinct Services, one called the Imperial Civil Service to be recruited in England by open competition as here-to-fore, and the other, the Provincial Civil Service, to be recruited in different Provinces partly under a system of competition and partly by promotion from the Subordinate Service. It recommended (3) that about 108 specific appointments, *i. e.* about one-sixth of the appointments reserved to the Covenanted Civil Service in the Regulation Provinces, should be thrown open to and included in the Provincial Service, with which should be amalgamated the higher appointments in the uncovenanted Service.*

Under the scheme established in pursuance of the recommendations of Sir Charles Aitchison's Commission, the general Civil Service was thus divided into three classes: (1) the Civil Service of India which is recruited in England by competitive examination, (2) the Provincial Service and (3) the Subordinate Service; the two latter being recruited provincially in India. The admission to the Provincial Service is sometimes by examination,

* See Report of the Royal Commission on the Public Services in India. 1916, pages 9-II.

sometimes by nomination and sometimes by promotion from the Subordinate Service.

Under the Statute of 1870, lists were drawn up on the recommendations of the Public Service Commission, based on the rule that one-sixth of the appointments reserved for the Indian Civil Service should be given to the Provincial Service. The number of appointments so 'listed' falls considerably short of what it would have been if the above proportion had been worked up to. And all these posts have not yet been filled up. It is needless to say that the Provincial Service is unpopular and the existing system itself is regarded by the people as most unsatisfactory.

93. Islington Commission.—This was then the situation with regard to the Civil Service when the Islington Commission was appointed. It is to be seen what changes will be made as a result of the recommendations of that Commission in the matter of this Service as well as in connection with the other Services in which also the position of the Indians is not less unsatisfactory. As we have stated already, the report of the Commission has failed to satisfy public expectations and its publication was delayed, it is believed, owing to the certainty that it would cause general dissatisfaction and raise controversies. We give below a summary of the main recommendations of the Commission:—

(i) Where it is necessary to organise the Public Services into higher and lower branches, this should be arranged on the basis of the work which they are required to do, and not, as is now in some instances the case, of the race of, or the salaries drawn by, their members, or any such artificial distinction (Paragraphs 24 to 26).

(ii) Officers promoted from a lower into a higher service should ordinarily have the same opportunities as officers who have been directly recruited, and should be eligible on their merits to appointments to any post in their service. Both classes of officers should be shown in the same list. Except in the case of the Indian Civil Service all promoted officers should also be made full members of the service into which they are promoted (Paragraph 27).

(iii) The practice of employing military officers on civil duties should be continued in the medical, public works, railway, and survey of India departments and subject to the conditions stated. Military officers should also be eligible for appointment to the mint department. Elsewhere the practice of recruiting them should be allowed to die out, but this should take place gradually in the case of civil services in Burma (Paragraph 28).

(iv) The practice of employing members of Indian Civil Service in other departments should be continued in the post office, and in the Northern India salt revenue, Indian finance and customs departments. Such officers should also continue to supervise the work of the land records (Burma), registration, salt and excise, and survey (Madras) departments. They should no longer be appointed directors of agriculture but rural commissionerships should be created and be manned from their ranks. The Inspector-Generalships of police should be no more recruited for in the Indian Civil Service, but Indian Civil Servants should continue to be eligible for these appointments subject to the claims of qualified police officers (Paragraph 29).

(v) The services which lie between the higher and subordinate services should no longer be designated 'provincial' services. If they are organised provincially, they should ordinarily bear the name of their province, for example, the Madras civil service, the Bombay police service and so on. If they are under the Government of India, the terms class I, and class II, should be used for the two services. The terms should also be used in the education department (Paragraph 30).

(vi) The services for which recruitment is now made normally in India should continue to be recruited for in that country. The Indian finance department should be added to this category. The military finance department should be similarly treated, if there are no military considerations to the contrary. Eventually the same action should be taken with the customs department, but for the present some recruitment in Europe for this department should be permitted. The remaining services for which recruitment is now made wholly in Europe or partly in Europe and partly in India should be divided into three main groups. In the first should be placed the Indian Civil Service and the police department in which it should be recognised that a preponderating proportion of the officers should be recruited in Europe. In the second should come services like education, medical, public works and so on, in which there are grounds of policy for continuing to have in the personnel an admixture of both western and eastern elements. For these services arrangements should be made for recruitment in both countries. In the third should be placed certain scientific and technical services such as the agricultural and civil veterinary departments, etc., for the normal requirements of which it should be the aim to recruit eventually in India. To this end educational institutions should be developed in India on a level with those now existing in Europe so as to produce the necessary supply of candidates (Paragraphs 31 and 32).

(vii) No system of state scholarships will provide a suitable method for increasing the number of non-Europeans in the public services (Paragraph 35).

(viii) In certain services arrangements should be made for the appointment of a minimum number of Indians, but this should not be made a general practice for fear that the minimum may come to be regarded as a maximum (Paragraph 35).

(ix) To secure an increase in the non-Europeans employed, so far as this is not obtained automatically by the proposals made with regard to organization and the place of appointment, different methods should be followed in different services, as detailed in the annexes. Speaking generally, technical institutions in India should be created or expanded; provision should be made for advertising vacancies; Indian members should be appointed to serve on the committees which will advise on the selection of recruits; and finally statistics relating to the employment of members of the various communities should be published every ten years. (Paragraph 36).

(x) The question of the extent to which the services should be manned by the direct recruitment of untried officers and by the promotion of experienced officers from an inferior service should be settled separately for each service, as explained in the various annexures. But in every case opportunities should be created for young men, and direct recruitment should be encouraged wherever possible. (Paragraph 37).

(xi) In the present conditions of India no general system of competitive examinations as a means of entry to the public services is suitable, but where such a method exists it should ordinarily be maintained. (Paragraph 42).

(xii) When nominating direct recruits for admission to the services the authorities in India should act with the advice of committees, which should not purely be departmental in character, but should contain persons in touch with educational institutions, and should also have a non-official and an Indian element. Publicity should be given to all vacancies, and applicants should be forbidden to bring outside pressure to bear on individual members of the committees. A similar procedure should be followed in England. Candidates for services recruited in India should ordinarily possess a minimum educational qualification. This need not be identical for all candidates, but the standard for all should be the same. (Paragraph 44).

(xiii) In recruiting specialists care should be taken to draw upon the widest possible field. (Paragraph 45).

(xiv) Arrangements can best be made for communal representation in India by the exercise of the powers of Government under the system of nomination proposed. No hard and fast rule of proportions is suitable. (Paragraph 46).

(xv) Except where otherwise provided, direct recruits should be on probation for two years. A probationary course in England should be given only to recruits for the Indian civil and forest services, and in the latter only for so long as recruits are taken from Europe. As the schools of forestry in the United Kingdom are developed, recruits from Europe should be taken from them. (Paragraph 47).

(xvi) The question of training requires to be considered for each service separately, as explained in the various annexures. Inter-provincial conferences of officers responsible for the training of recruits should be encouraged. (Paragraph 48).

(xvii) In giving the salaries of their employes, Government should pay so much and so much only as is necessary to obtain recruits of the right stamp, and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service. (Paragraph 49).

94. Separation of Judicial and Executive Functions :—We cannot close this chapter without referring to another important subject which has been similarly under constant discussion for more than fifty years and which has evoked a similarly deep feeling of disappointment, *viz.* the question of the separation of judicial and executive functions. In enumerating the functions which the Collector-Magistrate of a district performs, we have shown that that executive official collects the revenue, controls the police, institutes prosecutions and at the same time exercises large judicial powers. This system has been long regarded as faulty not only by the general voice of public opinion in India but also by Anglo-Indian officials and by high legal authorities.

The separation of the executive and judicial functions united in the same official, has been urged upon the attention of Government here and in England by people whose opinion is entitled to the highest weight. For instance, in a memorial submitted to the Secretary of State for India in 1899 by such men of eminence as Lord Hobhouse, Sir Richard Garth, Sir Charles Sargent, and seven others, the question was exhaustively treated, and a complete case was made out in favour of the separation of the two duties, and all possible objections to the proposals were successfully met. The controversy has been continued since that time, so that everything that can be said on the subject has now been said. The arguments—

(1) that the system of combination works well and is not responsible for miscarriage of justice, (2) that it conduces to prompt justice and to efficiency of administration, (3) that it contributes to the strength of the executive officials (4) and that a separation of the two functions would involve expenditure that will be prohibitive—have [all been refuted and, so far as one can see, the need of the separation has been completely established.

It has been suggested that if there are any misgivings with respect to the proposed reform, the scheme of separation may be introduced as an experimental measure in a selected area and be put to the test of experience. In spite of the pronouncement of Sir Harvey Adamson, in favour of the reform, in the Viceroy's Council in 1908 and in spite of the resolutions moved by non-official members in that behalf, Government has not yet seen its way to do anything in the matter. No doubt, certain practical considerations* have been urged on the other side, minimising the urgent importance of the reform, but there is no ground for hesitation, at any rate, in adopting the moderate and cautious proposal about an experiment in that direction in a selected area.

* When the Public Services Commission toured round India, the cry for a separation of the executive and judicial functions was heard, most loudly indeed in the province of Bengal, where there is a powerful Indian bar, but whenever and wherever Indian evidence was taken. It was urged that under the present system of union of functions the judge came to his work with an administrative bias, that it was anomalous that the head of the police who brings the criminal to trial should also be the judge who sends him to prison, and that the justice of a civilian judge is amateur justice 'good enough in barbarous times, but increasingly unsuitable to present conditions. On the other side it was contended that unless the district officer was also magistrate, his prestige would be gravely diminished in the eyes of the native population, that a substantial British element in the judiciary was essential, otherwise the administration might in times of racial tension be gravely hampered, and that though a civilian judge might know less law than a barrister imported from England, he would through his administrative experience, know a good deal more about the Indians.'—*The Empire and the Future*, page 56.

CHAPTER VIII.

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THE VILLAGE.

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95. Land of Villages.—India is stated to be a land of villages as only an extremely small minority of its people lives in cities and towns having a population of 5,000 and above. The bulk of the Indian people live in villages. Agriculture is the predominant industry of this country and is carried by the village residents who form 90·5 per cent. of the total population. In countries having large manufacturing industries and commerce, the state of things is quite different. Thus according to the census of 1911 the proportion of persons in England and Wales living under urban conditions, was 78 per cent. and under rural conditions, 22 per cent.

There are in India only 30 cities with a population of 1,00,000 and more. Various causes contribute to the aggregation of people in towns and cities. Industries, commerce and the pursuit of professions draw people to certain favoured localities which steadily develop into towns and cities. The towns decline in population when these influences cease to be operative. As there are 'deserted villages,' whose population flocks to centres of trade and industry, there are towns in a condition of decline which drives away its people to other localities, urban or rural. Twenty-two of the above 30 cities 'are

cantonments and their strength is, without doubt, due to a large extent, to that transitory influence. Twelve of them are also capitals of the Provincial Governments or the Indian States. The rest owe their importance to such varying causes as commerce, being centres of pilgrimage or the location of district officers and famous educational institutions'. † The influence of temples is very great in this respect.

The position of the different Indian Provinces in the matter of town and village population is brought out in the following statement:—

Province	Residents in		Average population per Village.
	Towns.	Villages.	
Bengal	6·5	93·5	355
Behar and Orissa	3·7	96·3	379
Bombay	19·0	81·0	612
Burma	9·3	90·7	292
Central Provinces	8·5	91·5	327
Madras	11·8	88·2	678
Punjab	11·9	88·1	531
United Provinces	10·2	89·8	400
British India	9·3	90·7	412

96. Origin of the Village Community.—The village community is one of the oldest and the most remarkable institutions in India. It is certainly not peculiar to this country, and its counterpart may be found in other parts of the world. Indian village organization has had wonderful tenacity and it has survived the shocks of foreign invasion and internal disorder for thousands of years. Foreign conquerors left the institution untouched and it has seen the rise and fall of empires and ruling dynasties. Kings and chiefs found in the villages a completely organized community which they

† M. S. Kamath : The Census of India.

had no reason to disturb and which they found it convenient to conserve and respect.

The progress of mankind, political and economic, can be traced through various stages in all the parts of the world. Hordes of savages passed from one portion of the globe to another without settling permanently in any one place. From the nomadic and the hunting stage they advanced to a state in which they maintained herds of cattle and flocks of sheep and lived on them. Even then they had no settlements. But being tired of this wandering life, the people settled in localities favoured by nature and cleared the forests, made rude homes for themselves and cultivated lands. "This change to a settled life with agriculture as the chief occupation, is accompanied by profound changes in the whole social structure. Partly as a cause and partly as a result of the changed methods of getting a living, there is a marked increase in the density of the population, and this necessarily implies new social relations and duties.*"

These settlers formed a compact community. They were members of the same tribe and also believed that they were the descendants of common ancestors. They had common gods and festivals, and the bonds of kin were tightened by the needs of defence against hostile neighbours or distant invaders. Agriculture was the predominant industry and the lands were either cultivated as the common property of the community of settlers or were divided among the different families. "The village communities were isolated and self-sufficient. Each group raised and made the things which it needed. The wants of the people were simple, and food, clothing and fuel could all be obtained at home. The conditions of England at the time of the Norman Conquest afford a good illustration. On the manors, the needs of the

* Ely: Evolution of Industrial Society, pages 46-47.

community, says one writer, "were satisfied almost wholly from the ploughing and tilling of the ground and from the use and increase of the domestic animals. What hand-workers or craftsmen came into existence were mainly for the furthering of these same needs rather than for the satisfaction of new tastes or the development of new duties.....Probably the millard, shoemaker, smith and wright were already recognized as distinct craftsmen; but all others, such as those engaged in spinning, weaving netting, salt-preparing, gardening, brewing, baking and cooking were, and for a considerable time continued to be merely household servants." Some trade, to be sure existed. Salt, iron and mill-stones could usually not be supplied at home, and the higher classes very early secured articles of luxury from the wandering merchant. " *

Such is the history, with certain variations,† of the development of the village communities all the world over. It is not necessary here to trace the further growth of the community to the handicraft and manufacturing stages. The isolation of the groups gradually broke down, trade expanded, division of labour was encouraged and the establishment of industries was

⁂ Elj. The Evolution of Industrial Society, 50-51.

† "The Village Community of India exhibits resemblances to the Teutonic Township which are much too strong and numerous to be accidental. Where it differs from the Township, the difference may be at least plausibly explained. It was the same double aspect of a group of families united by the assumption of common kinship, and of a company of persons exercising joint ownership over land. The domain which it occupies is distributed, if not in the same manner, upon the same principles, and the ideas which prevail within the group of the relations and duties of its members to one another appear to be substantially the same. But the Indian village community is a living and not a dead, institution. The causes which transformed the mark into the Manor though they may be traced in India, have operated very feebly; and over the greatest part of the country the village community has not been absorbed in any larger collection of men or lost in a territorial area of wider extent. —Maier: Village Communities.

fostered. The old organization was disturbed and underwent an important change, as it was no longer suited to the changed conditions. The village community may, however, be still seen, though not in its old integrity, in parts of the world where the modern influences have not yet penetrated.

97. The Indian Village Groups.—We are not here concerned with the social and economic aspects of the Indian village community, nor are we concerned with the history of the village organization in other countries and in India. It is with the administrative aspect of the village organization that we have to deal in this place. For a clear understanding of the subject, however, it is necessary to have some acquaintance with the nature of the old organization and the changes which have occurred in it as a result of the introduction of a new form of administration. "The Indian villages formerly possessed a large degree of local autonomy, since the native dynasties and their local representatives did not, as a rule, concern themselves with the individual cultivators, but regarded the villages as a whole, or some large land-holder, as responsible for the payment of the Government revenues, and the maintenance of local order. This autonomy has now disappeared, owing to the establishment of local, civil and criminal courts, the present revenue and police organization, the increase of communications, the growth of individualism, and the operation of the individual *raiayatwari* system which is extending even in the north of India. Nevertheless, the village remains the first unit of administration; the principal village functionaries—the headman, the accountant, and the village watchman are largely utilized and paid by Government, and there is still a certain amount of common village feeling and interests."*

* Decentralization Commission's Report, page 237.

98. Two kinds of Villages.—The subject of the origin of the Indian village community has given rise to much discussion and difference of opinion. The opinion is held by some that community of landed property in India has been almost universal. But B.H. Baden Powell has elaborately traced the rise and development of the village communities in different parts of the country and shown differences of origin. Thus the village organization in northern India generally, especially in the matter of land ownership, is different from the organization in the South, and two different systems of land tenure and revenue settlement were developed. Baden Powell says* :—

“The numerous instances of village formation which have been culled from the Settlement Reports and similar authorities can hardly have failed to suggest the impossibility of disposing of ‘the Indian Village Community’ by referring the whole phenomena to some one theory or generalised view of the subject.”

And further :—“It is hardly possible to avoid the suggestion that the main distinction between the raiyatwari and the joint or land-lord village (these terms being only provisional, and adopted for want of better) is in some way the outcome of these two principles. The former originated with early unopposed tribes, who like the Dravidian had strong agricultural instincts and had passed out of the nomadic and pastoral stage, their struggle was more with the forces of nature than any human enemies, and their idea of right was that they were *bhumihar*, the original soil-clearers and settlers. The latter originated with ‘inheritors,’ who acquired the lordship of existing villages, or founded new ones in the same sense of superiority. If, as in the case of the Jats, the clans were not only superior in conquest and adventure,

* The Village Community, pages 398 and 403.

but also addicted to agriculture, they would combine both feelings of right to their settlements."

"So far then, we have two natural and often concurrently active factors, the sense of right by 'occupation' and 'first clearing' and the right by 'inheritance'—a term which we shall now understand without further comment, and which has already met us in so many forms as *mirasi*, *wirasa*t, *wārisi*, &c."

Whatever the origin of the village community, it was a well-organized body, thoroughly equipped for purposes of defence, police, revenue collection, judicial administration and so forth. When the question of land-revenue settlement was being discussed in relation to Madras, the Government of that Presidency strongly urged a plea in favour of a settlement with each village community as opposed to the Zamindari settlement of Bengal, and the Rayatwari system proposed by Munro and afterwards universally adopted in Southern India was preferred. The Board of Revenue stated :— "Every village with its twelve Agagandeas, as they are denominated, is a petty commonwealth, with its Mukaddum, Potal, Rapod, Reddy or chief inhabitant at the head of it, and India is a great assemblage of such commonwealths. The inhabitants, during war, look chiefly to their own head-inhabitants ; they give themselves no trouble about the breaking up and division of kingdoms while the village remains entire ; they care not to what power it is transferred, on whatsoever it devolves, the internal management remains unaltered ; the head inhabitant is still the collector, magistrate, and head-farmer."

99. The Village in the Deccan.—In his "Report on the Territories conquered from the Peshwas", submitted to the Governor General in 1819, Mr. Elphinstone stated that the most striking feature of the Deccan was its divisions into villages or townships and that these communities contained 'in minia-

ture all the materials of a state within themselves.' He described the village community as follows :—

"The villagers are almost entirely cultivators of the ground, with the addition of the few traders and artisans that are required to supply their wants. The head of each village is the Patil, who has under him an assistant, called a Chaugulla, and a clerk called a Kulkarni. There are besides, twelve village officers, well-known by the name of the Bara Baluti. These are the astrologer, the priest, the carpenter, barber, &c., but the only ones who are concerned in the administration of the government are the Sonar or Potdar, who is silversmith and assayer of money, and the Mhar, who, in addition to various other important duties, acts as watchman to the village....."

"The Patils are the most important functionaries in the villages, and perhaps the most important class in the country. They hold office by a grant from the Government (generally from that of the Moguls), are entitled by virtue of it to land and fees, and have various little privileges and distinctions of which they are as tenacious as of their land. Their office and emoluments are hereditary, and saleable with the consent of the Government, but are seldom sold, except in cases of extreme necessity, though a partner is sometimes admitted, with a careful reservation of the superiority of the old possessor. The Patil is head of the police and of the administration of justice in his village, but he need only be mentioned here as an officer of revenue. In that capacity he performs on a small scale what a Mamlatdar or a Collector does on a large Though originally the agent of the Government, he is now regarded as equally the representative of the Rayats, and is not less useful in executing the orders of the Government than in asserting the rights, or at least in making known the usages, of the people."

We have shown in the last Chapter how the creation of departments entrusted with the performance of definite functions, has led to specialization in each branch of administrative work and consequently to a diminution in the powers and responsibilities of the District Collector. "Land Revenue Settlement, Forest, Excise, Public Works, Sanitation—and even Police—which in the first years of the conquest were centred in his hands, are now separate departmental charges. And though he still retains his position as the head of the District Executive, he no longer enjoys the power and prestige which once were his."*

100. Present Organization.—The same tendency to disturb and modify the old administrative structure, is visible in the village system. Here [and there, the old foundations and walls are to be seen, but the ancient building has collapsed. The different departments have taken up the duties formerly performed by the Patel or village watchman and the Panchayat; the former, however, still continues to do some of the work which fell to his lot under the old arrangements.

The present village organization may be briefly described as follows† :—In Madras, the village officers are hereditary; the village headman is responsible for the collection of revenue and has petty civil and criminal powers. In Bombay, in small villages where there is a single headman or Patel, he performs revenue [and police functions. In larger villages there are separate revenue and police Patels, the latter having petty criminal powers. There are village Munsiffs under the Deccan Agriculturists' Relief Act. Village officers in the Deccan are generally hereditary.

In Bengal there are no village headmen entrusted with duties by Government. In Assam, there are assem-

* G. V. Joshi's Writings and Speeches, page 280.

† See Report of the Commission on Decentralization.

blies of house-holders styled *mels* which elect headmen and they are recognized by Government and are supposed to assist the police. But they are not entrusted with the duty of revenue collection. The *mels* deal privately with cases brought to them for arbitration. In the United Provinces, there are no regular village headmen. The *lam-bardars* are only representatives of co-sharers in land rent and revenue. The same state of things prevails in the Punjab. In Burma, headmen are elected by villagers and they try petty civil and criminal cases. In the Central Provinces, the headmen (*mukaddams*) are elected representatives of land-holders. The Deccan system of hereditary Patels prevails in Berar. Artificial organizations like the Local Fund Unions in Madras, have been founded for specific purposes, e. g., roads, sanitation, lighting, and they are empowered to levy a house tax. There are sanitary committees in the United Provinces, Bombay and the Central Provinces. In Bengal there are the Chawkidari unions.

101. Village Panchayats.—The Decentralization Commission carefully considered the question of the revival of the village organization and though it thought that the resuscitation of the old system was not practicable, it recommended the creation of panchayats for the discharge of various functions. The Government of India* and most of the Local Governments favoured the suggestion and in the different Provinces steps are being taken to constitute panchayats. Some people hold that the disintegration of the village has gone so far that the organization cannot be revived and the decay cannot be arrested. Others are, however, of opinion that it is absolutely necessary to enlist the help of the people in local administration. The Decentralization Commission,

* See the Resolution of the Government of India on local self-government, printed at the close of the next Chapter.

inclined to the latter view. It was, however, conscious of the difficulties in the way and recommended gradual and cautious development.

The Commission laid down the following conclusions in this matter :—(1) The *Panchayats* should be under the control of district authorities and not that of local boards; (2) the unit of the *panchayat* should be the individual village; (3) the headmen should be *ex-officio* chairmen; (4) the appointment of other members should be by informal election in villages; (5) duties and functions should be conferred on the *panchayats* with great caution; (6) they should be endowed with civil and criminal jurisdiction in petty cases. It is feared that injustice, factionousness and corruption will mar the utility of the *panchayats*, but there is ground for the hope that, on the whole, they will work well; (7) that the *panchayats* should be entrusted with the work connected with sanitation, minor public works, school houses and they should be provided with sufficient sources of revenue; (8) non-interference by low Government subordinates, is a necessary condition of success; (9) artificial unions will no longer be necessary.

The question of the constitution of village panchayats is surrounded with difficulties. To be useful, they must be made popular and effective. For this purpose they will have to be endowed with judicial powers while they are entrusted with duties concerned with sanitation and education. In several villages it will not be easy to find the right type of men to serve on the committees, and the smaller villages will have to be grouped together. However difficult the task, it has to be faced because real self-government must be based on the broad foundations of local self-government. Reform must be effected both at the bottom and at the top.

102. A Suggestive Scheme :—The following scheme proposed by Mr. G. V. Joshi, illustrates the kind

of reform that is required. In a statement submitted to the Decentralization Commission, he observed that (1) the administration of village officers should be reorganized on a broader basis under the headship of the village Patil; (2) that the village Patil should have in the general conduct of village affairs the help and co-operation of a standing *Panchayat* or village committee, composed of 5 men chosen periodically—say once in 4 or 5 years—by the free choice of the *whole village community*; (3) that the range of village business under the control of the Patil and the Panchayat should be considerably widened and should include, *inter alia* :—

1	Revenue management	}	More or less as now.
2	Village Pastures		
3	Village Cattle pounds		
4	Village Sanitation		
5	Village Police		
6	Village Criminal Justice	}	New branches proposed to be transferred to communal control.
7	Village Civil Justice		
8	Village Forest		
9	Village Excise		
10	Village Irrigation		

(4) that the village management should continue as now under the supervision of the Taluka Mamlatdar and the control of the District Collector; (5) that the administration should have the advice and assistance of the various Administrative Departments through their local officers in all matters in which such advice and assistance might be necessary.‡

103. Conclusion.—We have so far described the origin, the present condition and the immediate needs of the Indian village community. It will have been seen that various causes, political, social and

‡ See also Mr. Gokhale's statement on this subject, submitted to the Decentralization Commission.

economic, have brought about the disintegration of the ancient village community, that most of the duties performed by functionaries under the authority of village elders and officials, have been transferred to subordinates of the various departments and that the householders in the villages do not now count in the administration except in the cases where unions and other organizations have been recently created. Education and sanitation are thus now entrusted to local bodies, the district and taluka boards or to unions started specially for the purpose.

But in olden times all these functions definitely belonged to the village community. Take education, for example. "The history of village education goes back perhaps to the beginnings of the village community. The school master had a definite place assigned to him in the village economy, in the same manner as the headman, the accountant, the watchman, and the artisans. He was an officer of the village community, paid either by rent-free lands or by assignments of grain out of the village harvest."* The village public works were similarly constructed and maintained by the community. Tanks, wells, school houses, temples, bridges and roads were thus looked after by the community, and even to-day the people of many villages may be seen carrying out this important duty conducive to common convenience and benefit.

In the next Chapter we shall describe the part played by local bodies in the work of administration, and in later Chapters on education, police, sanitation and so forth, we shall have to refer to these administrative functions as they are being discharged to-day in the rural parts of the country. Suffice it here to say that the time has come

* John Matthai : Village Government in British India, page 380.

when we must carry 'a substantial measure of decentralization down to the villages and build up local self-government from there'. "It will not do to be deterred by the difficulties of the task or by the possibilities of initial failure. Village Panchayats must be created." †

† Gokhale's Speeches.

CHAPTER IX.

LOCAL SELF-GOVERNMENT.

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104. What is Local Government ?—An English writer briefly but clearly describes the nature of local government in the following words :—‘By local government, as opposed to central government, is meant the administration of those matters which concern only the inhabitants of a particular district or place and which do not directly affect the nation at large. It is with the duty of an English citizen to his neighbours or his neighbourhood that local government is concerned. It is his duty to succour and provide for the poor and the helpless.It is also his duty to create no nuisance—to do nothing himself and to permit nothing to be done on his premises by others which is injurious to health, or which interferes with the lawful enjoyment by any man of his own property. Fresh air, sound food, and good water are the essential conditions of public health. It is the business of the local government to see that the neighbourhood is, supplied with pure water, that the food is unadulterated, that the air is uncontaminated, that the streets are

properly lighted, and that the roads are reasonably safe and sufficient.'*

The duties above enumerated, with a few exceptions, also fall within the purview of local self-government as we have it in India. But while local institutions in Great Britain have developed spontaneously and therefore irregularly, in the course of centuries, in this country they have been deliberately introduced, cast in a certain mould. It is an error to suppose, however, that local institutions did not exist in India before they were artificially created and introduced into the administrative organization in the last generation.

105. Disappearance of the Old System.—

Though the old indigenous institutions did not perform the same functions as are supposed to lie within the legitimate sphere of the modern exotics, there is no doubt that they played an important part in the life of the community. From time immemorial local affairs in most parts of India have been conducted by village communities and trade guilds in towns. The Indian village community is a notable and an interesting institution. It survived foreign invasions and civil wars, and the tide of these rolled over its head harmless. The village was a compact and complete unit the local affairs of which were regularly conducted by the inhabitants. It had its own officers for revenue collection and police purposes and the *panchayat* heard disputes and gave decisions.

A fairly complete idea of the village organization has been given in the last Chapter. But the local bodies we have in our midst at the present moment, the municipalities and the local boards, do not represent the development of the old institutions. It need not be repeated that very little now remains of that local autonomy which the Indian villages at one time enjoyed. The administrative machinery

* 'Local Government,' by W. B. Odgers.

erected throughout the country by the British Government has superseded the village organization, though some vestiges of the latter still remain and are, to a small extent, adapted to the requirements of the new arrangement. There is a widespread desire to revive the old system of village self-government and the panchayats, and in certain parts of the country rural unions have been formed by Government for specific local purposes. The question of establishing *panchayats* in villages, or groups of villages, and entrusting to them various functions, such as sanitation, education and so forth, is at present, engaging the attention of the different Local Governments. The growth of the village community was arrested, and owing to various causes it became disintegrated and finally decayed. The municipalities and local boards of our times are the creation of the last sixty years, especially of the last quarter of the 19th century. They are, so to say, exotics, and have not yet taken firm root.

106. Beginnings of Local Self-Government.—

Leaving out of consideration for the present, the municipal administration of the Presidency towns of Calcutta, Madras and Bombay, we may observe that before the year 1842, there was practically no attempt at municipal legislation. An Act passed in that year for Bengal became inoperative and eight years later another was passed applying to the whole of India. Under this Act of 1850 and many Provincial Acts passed later on, a number of municipalities were established in all parts of India. Act X of 1842 referred to above, was 'for enabling the inhabitants of any place of public resort or residence (in Bengal outside the limits of Calcutta) to make better provision for purposes connected with public health and convenience.'

This Act having been repealed in 1850 because it 'proved ineffectual', Act XXVI of 1850 was passed. It

was permissive in its obligation and was largely availed of in the North West Provinces and in Bombay but remained almost a dead letter in the rest of the country. The Government of any Province was empowered to bring the Act into operation in any town on satisfying itself that such application was in conformity with the wishes of the inhabitants. The purposes specified were, 'making, repairing, cleaning, lighting, or watching roads, drains, or tanks ; prevention of nuisances ; or improving the town in any other manner.' The Government was authorised to appoint the Magistrate and such number of inhabitants as might appear necessary to be commissioners on whom large powers were conferred of making rules. Under the power thus granted taxes were to be levied upon houses or other forms of property. It was in this way that the levy of Octroi duties first became legal in India.

107. Municipal Acts.--This and other Acts passed during the next twenty years, did not materially advance the cause of local self-government. It was in 1870 that a further step in the path of real progress was made when Lord Mayo's Government, in their famous resolution introducing the system of provincial finance, referred to the necessity of taking further steps to bring local interest and supervision to bear on the management of funds devoted to education, sanitation, medical charity and local public works.* During the next few years, provincial Municipal Acts were passed which extended the elective principle in the constitution of municipalities. In Bombay

* "But beyond all this, there is a greater and wider object in view. Local interest, supervision and care are necessary to successes in the management of funds devoted to Education, Sanitation, Medical Charity, and Local Public Works. The operation of this Resolution, in its full meaning and integrity, will afford opportunities for the development of self-government, for strengthening Municipal Institutions, and for the association of Natives and Europeans, to greater extent than heretofore, in the administration of affairs."

Presidency, for example, which had remained under the General Act of 1850, a District Municipal Act was passed in 1873, which divided the existing municipalities into two classes:— (1) cities where an elective system was permissive, and (2) towns where all the members were nominated.

The Collector of the District was *ex-officio* president of both classes and the Assistant or Deputy Collector was vice-president of the "town" municipality. Towards the end of the year 1882-83, 14 'towns' were raised to the rank of 'cities,' which then numbered 24; and the elective system was for the first time introduced into them. By the Act of 1884 the distinction between city and town municipalities was abolished and the elective system greatly extended. Half the municipal commissioners were to be elected, and of the remainder not more than one-half were to be salaried servants of Government. The president might be appointed by Government or elected by the Commissioners; and if he was an official, the commissioners were to elect a vice-chairman.

The Municipal Act of 1901 consolidated the law relating to district municipalities in the presidency which was previously contained in the laws of 1873-1884 and effected some changes in the powers and the constitution of the municipal councils. It retained the old distinction between large cities containing not less than 15,000 inhabitants and the smaller municipalities. In the city municipalities a chief officer might be appointed to exercise executive functions; and provision was also made for the appointment of a health officer or an engineer. The proportion of elected councillors, remained at not less than one-half in all municipalities except those to which the elective franchise would not, for special reasons, be extended. The Act also provided for the establishment of 'notified areas' on the lines of the system in force in the Punjab in places where improved arrangements might

be required in respect of municipal matters but where it might not be expedient to constitute a municipality. In order to quicken public interest in local affairs, Government in 1908-09 relaxed its control by empowering a large number of municipalities to elect non-official presidents and by conceding to a few city municipalities the privilege of electing two-thirds of the number of their councillors on their agreeing to appoint a Government servant as chief officer of the executive.

These privileges have since been extended to other municipalities and higher franchise has been conferred in other cases. During the last few years strict measures had to be taken against some of these bodies which were proved to have abused their powers by mismanaging things. Upto 1912 the privilege of electing their own presidents had been conferred on 93 municipalities and more than half of them had elected non-officials. The Bombay District Municipal Act was amended in 1914, and the Government was authorised to appoint Municipal Commissioners to be responsible heads of the executive, with very wide powers, in towns of increasing importance viz. those having a population of 1,00,000.

108. Lord Ripon's Resolution.—This advance in local self-government was largely stimulated by the memorable Resolution of 1882 on the subject, issued by the Government of Lord Ripon, which laid down some common principles for the guidance of the Local Governments in the matter. The Governor General in Council explained at the outset, that 'in advocating the extension of local self-government and the adoption of this principle in the management of many branches of local affairs, he does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government District officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is

chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt, that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will, in fact, follow. But at starting, there will, doubtless, be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself.'

The spirit which animated Lord Ripon's policy towards municipal and local self-government in India will be apparent from these words of the resolution. We shall speak of District and Local Boards presently; it may be said here generally that provincial legislation in the matter of municipal and local self-government has been based, conformably to the different local conditions, on the principles laid down in the Resolution of 1882. All the legislation since passed has tended to confer greater responsibility upon municipal councils and to extend the elective system.

109. Progress of Municipalities—The Government of Lord Elgin in 1896 reviewed the progress of Local self-Government upto that date in two resolutions. They noted, with regard to municipalities, 'with much satisfaction, the marked advance in self-government..... and the activity, intelligence, and general economy with which the municipal bodies have improved the conservancy services, the water supply, the drainage, the street paving, the lighting, and the many conveniences of the towns in their charge.' In reviewing the administration of municipalities from time to time, Government have expressed their satisfaction at the progress those bodies have been steadily making, though complaints are often heard as to a lack of public spirit in the people who are expected to take interest in local affairs and to general slackness and inefficiency in the management thereof.

The table on the next page gives the latest statistics about the municipalities in each province:—

	No. of Municipalities.	Population within Municipal Limits.	Total No. of Members.	By Qualification.			By Employment		By Race.	
				Ex-officio.	Nominated.	Elected.	Officials.	Non-officials.	Europeans.	Indians.
Calcutta	1	8,61,501	50	...	25	25	3	47	17	33
Bombay	1	9,79,445	72	...	16	56	7	65	18	54
Madras	1	5,18,660	36	1	15	20	5	31	13	23
Rangoon	1	2,84,935	25	1	5	19	3	22	13	12
<i>District Municipalities</i>										
Bengal (excluding Calcutta)	111	19,78,155	1526	108	31	847	140	1336	161	1365
Bihar and Orissa	55	11,79,885	772	78	225	469	100	672	105	667
Assam	18	1,25,552	197	37	98	62	90	147	37	160
United Provinces	86	30,069	1181	211	93	877	175	1006	134	1047
Punjab (excluding Delhi)	104	16,26,579	1179	217	419	543	237	942	102	1177
N. W. Frontier Province	6	1,41,928	119	36	83	...	36	83	18	101
C. P. and Berar	56	8,90,684	762	9	270	483	161	597	71	687
Burma (excluding Rangoon)	44	6,89,579	560	181	282	907	198	362	160	400
Bombay (excluding City)	157	23,69,376	2166	379	84	963	455	1711	128	2038
Madras (excluding City)	62	20,96,585	961	77	392	492	137	824	146	851
Coorg	5	14,159	50	17	25	8	18	32	7	43
Ajmer-Merwara	3	1,14,999	53	6	15	32	9	44	8	45
British Baluchistan	1	17,021	23	6	17	...	9	14	9	14
Delhi	1	2,29,144	21	3	8	10	3	18	6	5
Total...	713	1,71,18,216	9753	1367	3343	5343	1796	7953	1153	8595

110. Municipal Functions & Finance.—The principal normal functions of the municipalities, which may be classified under the heads of public safety, health and education, are :—

- (1) The construction, upkeep and lighting of streets and roads, and the provision and maintenance of public and municipal buildings.
 - (2) The preservation of the public health—principally with reference to provision of medical relief, vaccination, sanitation, drainage and water supply, and measures against epidemics.
 - (3) Education, particularly primary education.
- They are also responsible for famine relief.

The principal sources of municipal revenue are :—

- (1) Octroi (principally in Northern India, Bombay and the Central Provinces).
- (2) Taxes on houses and lands (in Madras, Bombay, Bengal and the Central Provinces).
- (3) A tax on professions and trades (in Madras and the United Provinces).
- (4) Road Tolls (in Madras, Bombay and Assam).
- (5) Taxes on carts and vehicles.
- (6) Rates and fees for services rendered in the shape of conservancy, water supply, markets, schools &c.

The average incidence of municipal taxation* per head

* The general incidence per head of the population of the municipal area in 1913-14 was as follows:—

	Rs.		Rs.
City of Bombay	11.67	Burma	2.39
Rangoon	10.53	C. P. & Berar	2.16
Calcutta	9.72	Bengal	2.04
City of Madras	3.55	U. P.	1.81
N. W. F. P.	3.06	Assam	1.76
Delhi	2.70	Madras Presidency	1.51
Punjab	2.58	Coorg	1.17
Bombay Presidency	2.52	Bihar & Orissa	1.16

of municipal population in 1913-14 for British India as a whole, was Rs. 3.18. If the Presidency towns, where the figures are higher, are left out of account, the provincial averages ranged from Rs. 3.06 in the North-West Frontier Province, to Rs. 2.58 in the Punjab, to Rs. 1.5 in Madras Rs. 1.17 in Coorg and Rs. 1.16 in Bihar and Orissa. The total revenue of all the municipalities in British India in 1913-14 came to about Rs. 8.70 crores, and the total expenditure to nearly Rs. 8.77 crores.* The net amount of debt owed by the municipalities was about 14 crores of rupees. The greater part of this debt is accounted for by the cities of Calcutta and Bombay.

No regular subvention to municipal revenues is made by Government but in certain provinces contributions are regularly made in respect of education, hospitals, and veterinary work where they undertake this. Then, again, when a municipality undertakes a large drainage or water supply scheme, which it cannot carry out from its current resources, and for which it has to borrow, the Local Government takes a share in the capital outlay. The funds needed for such schemes, the cost of which is too large to be defrayed from ordinary revenues, are usually borrowed, except for the Presidency towns, chiefly though not entirely from Government. Thus the grants and contributions from Government, local funds &c., in the year 1911-12 amounted to some thing like 90 lakhs of rupees. Special grants are also occasionally made to Local Governments by the Government of India for the

* "About two-thirds of the aggregate municipal income is derived from taxation, and the remainder from Municipal property and powers other than taxation contributions from Provincial revenues and miscellaneous sources.....The expenditure of the Municipalities cannot always be met from ordinary revenues, which are often small except in the Presidency towns. In order to carry out large projects such as water supply, drainage &c, the municipalities have, therefore, generally to borrow money either from the Government or in the open market on the security of their funds."

benefit of municipalities. Certain special grants thus made for the promotion of education and sanitation, are passed on in this way.

Generally speaking, a municipality may not levy a tax or charge provided for in the municipal law or vary the rate of incidence without the sanction of the Local Government as in Madras or of the Commissioner, as is usually the case in Bombay. In all provinces except Bombay, the municipal budgets require the sanction of the Local Government which may delegate this control to Commissioners. The Decentralization Commission recommended in this connection that 'municipalities should have full liberty to impose or alter taxation within the limits laid down by the municipal laws; but that where an Act does not prescribe a maximum rate, the sanction of an outside authority should be required to any increase in taxation'; further that 'municipalities should have a free hand in regard to their budgets, though these should go through the Collector to the Commissioner for information, and that the only check required is that each municipality should maintain a minimum standing balance to be prescribed by the Local Government.' The control of Government in Madras over municipalities in respect of the creation of appointments or the alteration of their emoluments is very strict so that a Madras witness in his evidence before the Commission observed that 'if the municipality wanted to increase the pay of a peon or clerk by a rupee, it had to go up to Government for sanction.'

III. The Constitutions.—The constitution of municipalities varies in the different provinces. The municipal councils have usually a large proportion of elected members varying from one-half to two-thirds. The general tendency is towards an increase in this element. From the figures given on a preceding page, it will be seen that

the proportion of elected members, was, in 1913-14, rather more than a half (52 percent.) whereas ten years previous to that year it was slightly less. Elected members are in the majority in the cities of Bombay, Madras, and Rangoon, and in Bengal (excluding Calcutta), Bihar and Orissa, the United Provinces, and the Central Provinces. In the N. W. Province, and Baluchistan, on the other hand, there are no elected members, and in Burma they form a small minority. Non-officials outnumber officials everywhere in the proportion of nearly 4 to 1 and, as is to be expected, Indians outnumber Europeans to an even greater degree, except in Rangoon, being nearly 88 per cent. of the total number.

Wards or classes of the community or both form the basis of representation. In order to qualify as a voter a person must be resident, not below a specified age, and property or status qualifications are also generally laid down. Latterly, the claims of certain minorities have been taken into consideration and special provision is being made for their adequate representation on municipal councils. The Chairmen or Presidents of the municipal corporations have usually been district officers but there is a growing tendency to allow the chairman to be a non-official and to be elected by the Commissioners themselves.

As has been shown above, Government possesses large powers of control over municipalities, but it is being steadily relaxed, at any rate, in the case of the larger bodies. The Collector has the power to require the execution by a municipal council of its resolutions, or, in special cases, to suspend the operation of such resolutions pending report to higher authority. Except in Madras, municipal councils work largely through committees and it is suggested that they should be able to appoint persons outside the council to such committees when this may be thought desirable.

112. Presidency Towns.—Municipal self-government in the three Presidency towns of Calcutta, Madras and Bombay, stands on a footing of its own and its history goes back to the early days of the East India Company. So far back as 1687, the Court of Directors ordered that a Corporation should be formed at Madras containing both European and Native members, with a special view to the levying of local taxation. This Corporation consisted of a Mayor, twelve aldermen and sixty burgesses ; but it does not appear to have lived long. The Mayor's courts composed of a Mayor and nine aldermen, which were established by Royal Charter at Calcutta, Madras and Bombay in 1726, were courts of judicature rather than administrative corporations.

The first distinct authority to levy taxation for local purposes was derived from the Regulating Act which empowered the Governor General to nominate covenanted servants of the Company and other British inhabitants to be Justices of the Peace whose commission issued from the Supreme Court in the name of the Crown, not of the Company ... After several intermediate statutes, the municipal constitution of the three towns was entirely remodelled by a series of Acts passed by the Legislative Council of India in 1856. A body corporate was established for each under the style of Municipal Commissioners, composed of three salaried members, of whom one was to be President. Except in Bombay, all the Commissioners were appointed by Government, and the two others by the Justices of the Peace. To this body large powers of assessing and collecting rates and of executing works of conservancy and general improvement were entrusted.*

So far, the Presidency towns had been substantially subject to a uniform system of municipal administration.

* Statement of Moral and Material Progress in India for 1891-92.

But henceforth the systems diverged in accordance with local legislative independence restored in 1861. "After the passing of the Councils Act in 1861 the system of municipal government was remodelled by the local legislatures and from this point onwards the history in each Presidency town is different, and leads through a series of Acts to those now in force, namely the Bombay Act of 1888, the Calcutta Act of 1899, the Madras Act of 1904. The system of election of representatives by the rate-payers was first established in Bombay, Calcutta and Madras by Acts passed in the years 1872, 1876, and 1878, respectively."†

113. Calcutta.—During the fifty years preceding the passing of the Calcutta Municipal Act of 1899, several attempts were made to organize and place the local government of the city on a sound basis but all of them appear to have proved unfruitful. As remodelled by the Act of 1892 by which the municipal administration of Calcutta is at present regulated, the Corporation consists of a Chairman appointed by the Local Government and 50 Commissioners, half of whom are elected at triennial ward elections, while the remainder are appointed, four each by the Bengal Chamber of Commerce and the Calcutta Trades Association, two by the Port Commissioners, and fifteen by the Local Government. Within this Corporation, there is a smaller body called the General Committee consisting of the Chairman and 12 members, four elected by the Ward Commissioners, four by the other Commissioners and the remaining four appointed by the Government. There are also various committees and sub-committees.

Subject, in specified cases, to the approval or sanction of the corporation, or of the general committee, as the case may be, the entire control of executive operation

† Statistical Abstract of British India, Vol. IV.

is vested in the Chairman. The corporation is given such powers as may be exercised by a deliberative assembly, for instance, the right of fixing the rates of taxation, while the general committee is entrusted with matters which cannot be exercised by the whole body or be left to the discretion of the Chairman alone. Under the new arrangements Calcutta has made vast progress in various directions but a lack of popular enthusiasm and interest in municipal matters is a subject of constant complaint. The financial position of the corporation is, however, satisfactory, its revenue amounting to something like a crore of rupees.

114. Bombay.—Bombay city has the distinction of having been the subject of the first effective experiment in government by election in India and of having the most prosperous and successful municipal corporation in the country to manage its local affairs. Like the rest of the presidency corporations, the municipality was established by Acts of the Government of India in 1856. It was remodelled by Acts of the local legislature till the main features of its present constitution were given to it by the Act of 1872 which was taken as a model for the Calcutta Municipal Act of 1876.

Upto the year 1872, the affairs of the city were controlled by a Commissioner and a bench of justices, the Commissioner having, under the Government, almost uncontrolled power over the finances. But in that year the city received a constitution providing two representative bodies, one within the other, the Corporation and the Town Council. The Corporation was composed of 64 commissioners and the Town Council of 12. The members of the two bodies were partly elected by the rate-payers and partly nominated by the Government, the Chairman of the Corporation being elected by the Commissioners.

This constitution was altered (in certain respects) by the Act of 1888, but the main features remained unchang-

ed. The Act was further amended by the City of Bombay Police Charges Act of 1907, and the Corporation was relieved of the charges on account of the city police. It, however, incurred responsibility for primary education, medical relief and vaccination. As at present constituted, the Bombay Corporation consists of 72 councillors of whom 36 are elected by wards, 16 by the Justices of the Peace, 2 by the fellows of the University and 2 by the Bombay Chamber of Commerce, the remaining 16 being nominated by Government. The general municipal government is vested in the Corporation while the ordinary business is transacted by a Standing Committee of 12 councillors, 8 appointed by the Corporation and 4 by Government. The President of the Corporation is elected by the councillors, but is not, like the Chairman of the Calcutta Corporation, an executive officer. The entire executive power vests in the Municipal Commissioner subject, in certain cases, to the approval or sanction of the Corporation or its committees. The Commissioner is usually a member of the Indian Civil Service and is appointed by Government, who may remove him if a proposition to that effect is supported by 45 votes in the Corporation.

The finances of the Corporation are in a most flourishing condition, its revenue amounting to nearly a crore and a quarter of rupees. That body has earned the richly-merited reputation of being a model municipal institution in India, and the citizens of Bombay have always evinced an admirable public spirit and ability in the conduct of administration. The incidence of municipal taxation per head of population was Rs. 11·67 in 1913·14 whereas, in Calcutta in the same year, it was Rs. 9·72.

115. Madras.—The Madras Municipality was remodelled by the local Legislature in 1867, 1878 and 1884. It was not until 1878 that the elective principle was introduced into the municipal

government of Madras City. Under the Act of 1867 the Corporation consisted of 32 commissioners appointed by the Government, and a president, also appointed by the Government, held all executive powers. In 1878 no change was made in numbers, except that two vice-presidents were added to look after the collection of revenue and the sanitary and public works administration. Sixteen of the commissioners were, however, to be elected by rate-payers. This number was increased to 24 by the Act of 1884. In 1892 the two vice-presidents were abolished, their places being taken up by salaried officers. By the new Municipal Act of 1904 the number of the municipal commissioners was raised to 36 and the body was styled Corporation. Of the commissioners, 20 are elected, the rest being nominated by Government and certain bodies connected with commerce and trade, the Madras Chamber of Commerce and the Madras Trades Association, appointing three each. The President is appointed by the Local Government and is invested with executive authority. He may be removed by Government on a vote of 28 commissioners. There is a standing committee consisting of the President and eight commissioners, which is concerned mainly with financial and building questions. The president is usually a member of the Indian Civil Service.

The peculiarity of the Madras Corporation is that the control of the Local Government over it is far more stringent than in the other Presidency towns. Its budget and any deviation therefrom, require Government sanction as does also the levy of municipal taxes. Various sections of the Municipal Act give the Local Government control in regard to different matters. The Decentralization Commission, therefore, recommended that 'all the Presidency Corporations should have as full powers as Bombay now possesses' and preferred the

Bombay system of a nominated official Commissioner with an elected Chairman of the Corporation to that of a nominated official Chairman obtaining in Madras. 'The Bombay method, while keeping the executive power in the hands of an experienced official, provides a dignified post as a reward for, and incentive to, public spirit and interest in municipal affairs.' The revenue of the Madras Corporation is small compared to that of Bombay and Calcutta, amounting to about Rs. 30 lakhs and the incidence of taxation per head in Rs. 3·5.

116. Inception of Rural Self-government.—The establishment of Boards for dealing with local affairs in rural areas is, as compared with the municipalities, a recent development. They owe their origin and progress to the policy, already referred to, initiated by Lord Mayo and Lord Ripon in 1871 and 1882 respectively. Before 1870, there was no organized attempt to introduce rural self-government though, outside the municipalities, funds partly voluntary and partly due to official initiative, had been established for local improvements or for the development of education; and in Madras, Bombay and Sind local cess funds controlled by Government officials, had come into existence between 1865 and 1869.

Great encouragement was given to local self-government, as we have shown before, by the financial decentralization scheme of Lord Mayo and the Resolution of 1882 of Lord Ripon's Government. Before the whole system was reorganized by the latter, local bodies had come into existence in the various provinces, Acts having been passed for the levy of rates and the constitution of these bodies. The main lines of the scheme, which that Government laid down, were, "firstly, that a network of Local Boards should be formed in country areas, in addition to the Municipal Committees, the area included under each board being so small as to ensure local knowledge and

interest on the part of each of the members. Secondly, that all the Local Boards, urban or rural, should, everywhere, have a preponderance of non-official members; thirdly, that the members should be chosen by election whenever it was in the opinion of the Local Government, practicable to adopt such a plan; fourthly, that there should be a district board of some kind which should meet periodically to settle matters such as the rate of the land cess, in which the smaller boards have a common interest; fifthly, as to the necessary Government control, they considered that it should be exercised rather from without than from within, and that the Chairmen of the Local Boards should, as a rule, and whenever practicable, be non-official persons."*

These principles were adopted, with the necessary variations to correspond to local conditions, by Acts passed in 1883 or 1884 relating to the district municipalities and local boards in each province. As conditions were not uniform throughout the country, one general system could not be imposed upon all provinces alike and large discretion was allowed to Local Governments. Thus the systems of rural Local Government in the various provinces differ widely from one another.

117. Provincial Variations.—The rural organization in Madras approximates very closely the model set forth in the original orders of the Government of India. The primary unit in that province consists of important villages and groups of villages constituted as 'Unions', each of which is controlled by a 'panchayat'. The proceeds of a light tax on houses are handed over to them and are spent by them mainly on sanitation. Above these unions stand the taluka Boards, the jurisdictional unit for which is the revenue subdivision of

* Statement of Moral and Material Progress, 1901-02.

the district. At the top comes the District Board with general control over the local administration of the whole district.

There are only two classes of Boards in Bombay, the District Boards and the Taluka Boards. In Bengal, the Punjab and the N. W. Frontier Province, each district must have, under the law, a District Board but the establishment of subordinate Local Boards is left to the discretion of the Local Government. In the United Provinces subdivisional boards have been abolished as useless while the system in the Central Provinces resembles that of Madras. Assam has no District Boards but has only independent sub-district boards. There are neither district nor sub-divisional boards in Burma and Baluchistan. 'The main normal functions of the rural boards are the maintenance and improvement of roads and other communications, education, especially in its primary stages, and the upkeep of medical institutions, vaccination, sanitation, veterinary work, the construction and maintenance of markets and rest houses and the charge of pounds and ferries. They may also be called upon to devote their funds to famine relief and to cope with plague and other special epidemics.'

Excepting the N. W. Frontier Province, there is a considerable proportion of elected members on the District and Local Boards and it varies from province to province. Of course, the principle of representation is less developed in the case of these bodies than that of the municipalities. An idea of the constitution of the District and Local Boards may be obtained from the following table compiled from the latest available statistics.

1913-14.

Province.	Number of Boards	Number of Members.		Income	Expenditure
		Elected	Ex-officio and nominated		
				Rs.	Rs.
Bengal	(a) 97	612	749	1,07,30,777	85,52,326
Madras	(b) 516	1,055	5,094	2,24,37,763	1,97,50,278
Bombay	242	1,644	2,046	83,39,701	78,39,590
United Provinces	48	624	273	1,25,20,913	88,77,684
Bihar and Orissa	59	249	634	84,53,466	63,42,071
Punjab	41	577	829	81,65,368	70,75,631
Delhi	1	...	21	37,471	66,266
C. P. and Berar	101	1,328	530	37,38,220	35,18,083
Assam	19	184	134	32,10,157	30,11,186
N. W. Frontier Province	5	...	219	5,49,005	4,83,69
Ajmer-Merwara	1	16	25	61,859	50,794
Cooch	1	2	17	93,280	1,15,028
Total	1,131	6,291	10,571	7,83,79,560	6,57,12,556

Note:—(a) Exclusive of 66 Union Committees with 573 members whose income and expenditure are included in those of the District Boards.

(b) Including 395 Union Panchayats with 839 *ex-officio* and 2,872 nominated and 37 elected members of whom 1,098 were officials and 39 Europeans.

" There are in India 199 District Boards and 537 Local Boards subordinate to them. There are also 461 Union Committees, 395 in Madras and 66 in Bengal. The population of the tracts over which the Boards have jurisdiction was over 215 millions in 1913-14, according to the local reports. Excluding the Union Committees, to which the elective principle has not been applied, the members of the Boards numbered 16,862 in 1913-14, of whom 6,291, being about 37 percent., were elected. The others were either nominated or *ex officio* members (8,034 of the former and 2,537 of the latter), and of these the largest numbers in proportion to the total number of members are on the Boards of the N. W. F. Province, Delhi, Coorg, Bihar and Orissa and Madras. The percentage of elected members of District and Local Boards to the whole number in the principal Provinces was as under:—

C. P. and Berar	...	...	71·5	percent.
United Provinces	...	...	69·5	,,
Assam	...	...	57·9	,,
Bengal	...	...	45·0	,,
Bombay	...	...	44·6	,,
Punjab	...	...	41·0	,,
Bihar and Orissa	...	...	28·2	,,
Madras	...	...	17·1	,,

The average for all these Provinces is 47 per cent. The Boards are practically manned (as may be expected) by Indians who constitute 93 per cent. of the whole, numbering 15,684 as compared with only 1,167 Europeans and Eurasians. Twenty-three per cent of the total number of members of all Boards are Government officials." *

118. Constitution and Powers.—Whether the Chairman of the District Board shall be elected or nominated has been left to the discretion of the Local Govern-

* Statistical Abstract for British India, vol. IV.

ment. Except in the Central Provinces where the President is elected and is usually a non-official, the Collector is, as a general rule, appointed President of the District Board. Sub-District Boards have very limited powers and resources and they are practically subordinate committees or agencies of the District Boards except in Madras where they enjoy an amount of independence in certain respects. The Decentralization Commission endorsed the principle laid down in the Resolution of Lord Ripon's Government, holding, that there should be a large preponderance of non-official members on the rural boards. They thought that the nominated element in a Sub-District Board should not exceed the strength sufficient to secure the due representation of minorities and official experience and that the District Board also should contain an elective majority ; in other words, that the proportion of official and nominated members should be substantially diminished. Though the Commission thought that a larger measure of independence and power ought to be given to the Boards, they considered it desirable, for various reasons, that the Collector should remain President of the District Board and that the Sub-District Boards should be presided over by the sub-divisional officer or the Tahasildar.

The want of success of the existing system of local self-government the Commission attributed to two causes: First, that the Boards, and especially the sub-District Boards, have hitherto not possessed real powers and responsibilities, owing to want of funds and excessive control. Secondly, that the methods of election adopted, have not, generally speaking, provided for the due representation of minorities, or met the apparently genuine reluctance of large land-owners and other persons of high social position, to submit themselves to the votes of an ordinary territorial constituency. The institution of village panchayats, they thought, would furnish an electorate

which should not be overlooked by the Local Governments in dealing with the methods by which a more effectual elective representation on the Sub-District Boards can proceed. The late Mr. R. C. Dutt, a member of the Commission, dissented from this view and stated that the want of success of the present system was largely due to the executive power being centralized in the Collector-president and not to any defects in the system of election. He was opposed, on principle, to the introduction of separate election by castes and creeds.

The greater part of the income of the rural Boards is derived from a cess which they are empowered to levy on the land, and which usually does not exceed one anna in the rupee on the annual rent value or, in rayatwari provinces, the Government assessment. Government collects the cess along with its own revenue and makes special contributions to the income of the Boards. Other grants are likewise made for various purposes. Other sources of revenue are pounds and ferries and, in Madras, road tolls. Sub-District Boards have no independent sources of revenue and get allotments from the District Boards. The total receipts of the rural Boards in all the provinces together exceeded, in 1913-14, $7\frac{3}{4}$ crores of rupees, nearly 41 per cent. of which was derived from Provincial rates. About 55 per cent. of the total income is spent on public works.

119. Port Trusts.—A passing reference may here be made to what are called the Port Trusts though these bodies do not really come within the purview of this Chapter. To them are entrusted the custody of the harbours and the administration of harbour and shore affairs in the more important ports of India. They are charged with the provision of suitable dock accommodation and other necessary services to shipping. Members of these Port Trusts are, for the most part, appointed by the Local Governments, and are usually

representative of the various commercial interests of the place. The Chairmen of all the Boards are appointed by Government as are all Commissioners at Aden. In Calcutta and Karachi, the Municipality is also represented. Except in Calcutta, the elected members are in a small minority and at all the ports the large majority of members are Europeans.

One peculiarity of these Trusts that has been noted is that their Commissioners 'are' the only members of local public bodies who receive a small fee for each attendance at meetings for business'. The revenues of the Trusts are chiefly derived from dues on shipping and goods, and from fees for services rendered. They are empowered to raise large loans to meet capital expenditure. The control of Government over these bodies is wider than that exercised over Municipalities. There are seven Port Trusts, those at Calcutta, Bombay, Madras, Karachi, Rangoon, Chittagong and Aden. Their total income comes nearly to Rs. 3½ crores, and their capital debt at the end of 1913-14 exceeded Rs. 28 crores.

120. Progress and Prospects.—In a Resolution issued on 28th April, 1915, the Government of India surveyed the history and progress of local self-government in this country and pointed out the lines along which development was practicable and desirable. They showed themselves, on the whole, satisfied with the advance made, though they observed at the same time, that there was ample scope for expansion and improvement. The Government of India addressed themselves mainly to a consideration, in consultation with local Governments, of the recommendations made by the Royal Commission on Decentralisation which reported in 1908. It is felt that the Government of India should have laid down liberal general principles for the guidance of Provincial Governments and should not have surrendered so much to the discretion of the latter.

The Resolution was not, therefore, received with a feeling of satisfaction as apparently the high expectations it had roused, were disappointed. As the full text of the Resolution will occupy more space than can be spared here, we shall give a few excerpts therefrom which, it is believed, will prove instructive. The contemplated reforms in local self-government may, however, be thus summed up here in the words of the Resolution:—

“ Local Governments and Administrations in general are prepared to advance in the direction of the main recommendations of the Commission. They propose in varying degrees to expand the electoral element in the constitution of local bodies, to extend the employment of non-official chairmen in municipalities, to allow local bodies more ample control over budgets and freer powers of reappropriation, to concede increased authority to local bodies over establishments and to relax existing restrictions in regard to outside sanction for expenditure on works of importance. These changes will mark a real and immediate extension of the principles of local self-government.

Governments in the various Provinces appear to be contemplating steps in the advance of municipal and local self-government and if the progress is to be real and satisfactory, the liberties and resources allowed to the local bodies must be sufficiently extensive. Greater powers must be conceded to the Municipalities and they and the Local Boards must have a preponderating elective element in them. Dissatisfaction is felt even at the existing constitution of the Bombay Corporation which is supposed to be very liberal. Municipalities and local bodies, it is said, should be wholly elected bodies and that they should be freed from the present control of the executive.

In the case of Municipalities, the directions of progress would seem to be these: (1) Most of the members, if not all should be elected; (2) larger sources of revenue should be placed at their disposal; (3) greater freedom from official control should be conceded to them; (4) the executive should interfere only in cases of grave abuse. “ These bodies should now consist wholly of

elected members, the Government retaining in its hands the power to enforce action, if its advice and warning are disregarded, by a temporary suspension of these boards and appointment in their place of small bodies of nominated members. Unless an undivided responsibility is thus thrown on these Municipalities, risking even initial failure for its sake, these institutions will neither become efficient instruments of local administration nor will they fulfil the higher purpose of serving as seminaries for the education of the people in the art of self-government.”*

The Taluka Boards, Mr. Gokhale urged, (1) should be made wholly elected bodies, Government reserving the power of suspending them in cases of serious mis-management and (2) the resources of these bodies should be increased. In the Bombay Presidency, under existing arrangements, their income consists mainly of such assignments as the District Board makes to them out of the proceeds of the one-anna cess or from contributions received from Provincial resources. “In Madras, Taluka Boards retain for themselves half the proceeds of the one-anna cess and only the other half goes to the District Local Boards. With us, the District Boards control the entire distribution of the cess-proceeds and after deducting the educational share as also grants to Medical and Veterinary, they retain for themselves such sums as they think to be necessary and divide the rest among the different Taluka Boards.” †

Mr. Gokhale proposed that the entire proceeds of the one-anna cess, after deducting the educational share and the Medical and Veterinary grants should be placed at the disposal of the Taluka Boards and that the District Boards should receive either a share of the Excise revenue

* Mr. Gokhale's statement submitted to the Decentralization Commission.

† Ibid.

or a special contribution from the Provincial exchequer to cover their loss. He wanted three-fourths of the members of District Boards to be elected and the rest nominated, mainly officials, whose presence on the Boards was desirable.

121. G. R. on Local Self-government.—As stated above, we proceed to give excerpts from the Resolution issued by the Government of India in 1915, reviewing the development of local self-government in India and indicating the directions in which it was to proceed :—

Excerpts from the Resolution.

Local self-government as a conscious process of administrative devolution and political education dates, outside presidency towns, from the financial reforms of Lord Mayo's government. Consultative committees had indeed been appointed in various towns in 1850, and measures were taken in 1854 and following years to give effect to the recommendations of the Report of the Royal Army Sanitary Commission, which was published in 1853, but no comprehensive scheme was introduced until the years following 1870, Legislation affecting several provinces was then undertaken. Lord Ripon's government in 1882 carried still further the principles of local self-government with the object, by measures cautiously but substantially progressive, of inducing the people themselves to undertake, as far as might be and subject to necessary control from without, the management of their own local affairs, and of developing and creating, if need be, a capacity for self-help in respect of all matters that had not, for administrative reasons, to be retained in the hands of a representative of Government. Various Acts were passed by which the elective principle, financial independence and the reduction of official control were given a wide extension. In two resolutions Nos. 1-146-164, dated the 24th October, 1896, and Nos. 18-3 dated the 20th August 1897, respectively, Lord Elgin's Government again reviewed the subject and laid down, further conditions of progress. Important principles have, from time to time been considered by the Government of India in connection with the revision of local self-government Acts and otherwise, and recently the whole field of policy has, in their survey of Indian administration been ably and exhaustively reviewed by the Royal Commission upon Decentralization.

Substantial progress.

The Governor General in Council is glad to be assured by the report of the Commission and the opinions of local Governments and Administrations upon it, that the results have on the whole justified the policy out of which local self-government arose. The degree of success varies from province to province and from one part of a province to another, but there is definite and satisfactory evidence of the growth of a feeling of good citizenship, particularly in towns

The spread of education is largely responsible for the quickening of a sense of responsibility and improvement in the machinery. In certain provinces beneficial results have followed the elaboration of a system of local audit. On all sides, there are signs of vitality and growth.

Future General Policy.

The obstacles in the way of realising completely the ideals which have prompted action in the past are still, however, by no means inconsiderable. The smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the indifference still prevailing in many places towards all forms of public life, the continued unwillingness of many Indian gentlemen to submit to the troubles, expense and inconveniences of election, the unfitness of some of those whom these obstacles do not deter, the prevalence of sectarian animosities, the varying character of the municipal area, all these are causes which cannot but impede the free and full development of local self-government. The growing demand among the educated classes in towns for greater efficiency involving more direct expert control, in matters affecting public health and education, is a further influence of a different character. A similar tendency, it may be observed, is discernible in England and in other European countries, the Governments of which have shown a growing disposition to place on central authorities the duty of stimulating and encouraging local bodies in cases of default or deficiency on their part, and to give to the former powers of intervention and, in case of need, of actual supersession of the latter. These and similar considerations indicate the need for caution in delegating powers to non-official bodies when they are not as yet adapted nor prepared for them. But on the whole the Government of India declare unhesitatingly in favour of a general policy of further progress, limited only by such conditions as local circumstances may dictate. Uniformity, even were it attainable, would be undesirable as tending to monotony, lifelessness and discouragement of new experiments. But, in fact, any attempt to exact uniformity in local administration would be doomed to failure. In each province, sometimes in each part of a province, the administrative system has grown up on lines of its own with reference to local needs and the wishes and abilities of the people. On a review of all the circumstances, the Government of India have decided to accept in almost every case the conclusion of the local Government or Administration as to the degree of progress possible at the present time. But in the more backward provinces in particular it is their conviction that there is room for advance, and that the aim to be steadily pursued is abstention from interference in detail and increased reliance on the non-official element in local bodies.

The Government of India now propose to state the principal conclusions that have been reached after full discussion in the public press, in debates of the Legislative Councils and in consultation with local Governments, and, in certain matters, with His Majesty's Secretary of State, on the questions that arise respecting (1) towns, (2) districts, (3) villages or other small local areas, in other words, in relation to (1) municipal boards, (2) district and sub-district boards, and (3) panchayats or other unions. In each case they will consider the constitution of the local body, its ability to tax and its powers in regard to its budget and its establishment. Finally, they will deal with the recommendations of the Commission in connection with presidency towns and Rangoon.

Municipal Boards.

The Commission recommended that municipal boards should ordinarily be constituted on the basis of a substantial elective majority, and that nominated members should be limited to a number sufficient to provide for the due representation of minorities and official experience. This recommendation has already been adopted in several provinces and is generally accepted by local Governments and the Government of India, subject to the proviso that the principle should in places, where its success is doubtful, be introduced gradually, after experiment in selected municipalities.

Chairmen.

The Commission also proposed that the municipal chairman should usually be an elected non-official, that Government officers should not be allowed to stand for election, and that where a nominated chairman might still be required he should be an official. The following statistics show how in the different provinces chairmen of municipalities are at present secured:—

Number of chairmen of municipalities, elected and nominated officials and non-officials.

Province.	Elected non-officials.	Elected officials	Nominated non-officials.	Nominated officials	Total.
Madras.....	38	2	15	8	63
Bombay	53	37	3	60	153
Bengal.....	74	10	8	19	111
United Provinces	20	34	19	11	84
Punjab.....	15	77	1	11	104
Burma .....	...	41	...	4	45
Bihar & Orissa	7	7	5	36	55
Central Provinces and Berar	12	36	...	8	56
Assam	3	4	...	8	15
North-West Frontier Province .....	...	...	...	6	6
Coorg .....	...	...	...	2	2
Delhi .....	...	...	...	1	1
Total.....	222	248	51	174	695

Non-Official Chairmen.

The majority of local Government are in favour of substituting, so far as possible, non-official for official chairmen, and the Government of India are in full sympathy with the proposal. The increasing burden of administration, apart from other considerations, renders it desirable that the district officer should be relieved of the executive control of municipal bodies. The Governor General-in-Council recognises, however, that the change must be made gradually and that in the absence of suitable candidates, it may not be possible to make it finally and once for all in particular places. He agrees with the opinion expressed in several quarters that discretion should be reserved to a local Government to nominate a non-official as chairman. Many gentlemen of influence, well-fitted to be chairmen of boards, are not prepared to offer themselves for election and insistence on election as the only alternative to the nomination of an official would unnecessarily narrow the field of choice. Nor does it appear necessary to prohibit Boards under any circumstances from electing an official as their chairman. It may be desirable, however, to require the election of an official as chairman to be confirmed by the Commissioner or even higher authority.

The Bombay System in Larger Municipalities.

The Commission suggested that some of the larger cities would adopt the system in force in Bombay city, where there is an elected chairman, who is the official mouthpiece of the Corporation as a whole, the executive administration however, vesting in a full-time nominated official subject to the control of the Corporation and of a Standing Committee thereof. In the Bombay District Municipal Act, 1901, also there are provisions under which a Chief Officer can be appointed by a City Municipality, on its own initiative or at the instance of the Governor-in-Council. The Governor-in-Council may also appoint an executive officer known as the Municipal Commissioner for any municipal district which contains one hundred thousand inhabitants, or for any other municipal district on the application of the municipality, provided that such application has been previously supported by not less than two-thirds of the whole body of councillors. A Municipal Commissioner has in some respects more extensive powers than a Chief Officer. Under this arrangement the direction of the general policy of a municipality vests in the whole body of councillors, while the executive power, with certain reservations, vests in the Municipal Commissioner. The municipal committee may cause him to furnish any returns and reports on matters appertaining to municipal administration and they retain financial control. The Chief Officer or Municipal Commissioner is not removeable, except by order of the Governor-in-Council, or by the vote of three-fourths of the whole number of councillors. These officers exercise certain executive powers specifically conferred on them by the Municipal Act, and such other powers as may be delegated to them under the provisions of the Act; and the Governor-in-Council may require that they shall be invested with any powers which can be lawfully delegated. The system works well in Bombay. The Government of India do not desire to press for its adoption in provinces where it may not be suited to the local conditions. They

are, however, of opinion that it has the advantages of ensuring a continuous and strong executive administration by an efficient paid staff, while maintaining the corporate control and activity of the municipal board. It is in fact not dissimilar to the system in force in England. They commend it to local Governments as a means of overcoming, at any rate in large cities, the difficulties inherent in the introduction of the important changes contemplated, especially when non-official chairmen are busy professional men. In smaller towns they suggest that the object aimed at might be attained by the wider delegation of executive functions to responsible secretaries, engineers and health officers and that power to enforce such delegation might be secured by legislation.

FINANCIAL RESOURCES.

The aggregate income of 701 municipalities in existence at the close of 1912-1913 (excluding the presidency towns and Rangoon) amounted to £ 3,282,845 (Rs. 4,92,42,675) apart from loans, sale of securities and other extraordinary receipts, or an average of about £ 4,683 (Rs. 70,245) a year. This income was distributed as follows:—

	£
Madras	454,908
Bombay	586,054
Bengal	839,979
United Provinces	592,391
Punjab	435,039
Burma	292,523
Bihar and Orissa	145,270
Central Provinces	177,496
Berar	37,594
Assam	34,764
North-West Frontier Province	72,560
Coorg	3,700
Delhi	110,566

£ 3,282,845 (Rs. 4,92,42,675)

TAXATION.

The taxes, tolls and fees which may ordinarily be levied by municipalities are provided for in the municipal enactments in force in the different provinces. They are imposed in most cases with the previous sanction of the local Government concerned and within the limits laid down in the Acts. They usually take one or other of the following forms:—

- ✓ (1) Tax on arts, professions, trades, callings, offices and appointments.
- ✓ (2) Tax on buildings, lands and holdings.

- (3) Water, drainage, sewage, conservancy, scavenging and lighting tax.
- (4) Tax on vehicles, boats, palanquins and animals kept for use or used within municipal limits.
- (5) Tax on circumstances and property.
- (6) Tax on private menials and domestic servants
- (7) Tax on private markets.
- (8) Octroi on animals or goods or both brought within municipal limits for consumption or use.
- (9) Tolls on vehicles and animals entering municipal limits, and tolls on ferries, bridges and metalled roads.
- (10) Fees on the registration of cattle sold within municipal limits and of carts and other vehicles.

The taxes provided for in the Acts vary however in the different provinces, and not all these taxes are actually levied in any one province. Any tax other than those specified in the Acts, which is proposed to be levied, ordinarily requires and should continue to require the sanction of the Governor General-in-Council.

The most important taxes now in force are octroi duties, levied principally in Bombay, the United Provinces, the Punjab, the Central Provinces and the North-West Frontier Province, and the tax on houses and lands which holds the chief place in the other provinces as well as in Bombay City.

Powers of Taxation.

The Commission were of opinion that municipalities should have full liberty to impose or alter taxation within the limits laid down by the municipal laws but that the sanction of an outside authority to any increase in taxation should be required where the law did not prescribe a maximum rate. Subject to the general control of the Government of India over the principles to be followed the sanction of the local Government is at present necessary to every proposal for the imposition of taxation. A maximum rate is prescribed in the Madras, Bengal, and Burma Acts, and in the Punjab, United Provinces, so far as regards the tax on buildings and lands; but none is laid down in Bombay. The recommendations of the Commission do not command general assent. It is pointed out for instance, that a municipality might reduce its taxation without due consideration to the needs of the administration and the security of loans. The Government of India, while recognizing the force of such objections, are, on the whole, in general sympathy with the Commission's recommendations. They think, however, that power to vary any tax might be reserved by such local Governments as are unable to accept in full the recommendations of the Commission and that in the case of indebted municipalities the previous sanction of higher authority should be required to any alteration of taxation.

Subventions by Government.

Municipal finance has shown a marked expanse during the last decade. The total income of 701 municipalities in 1912-13 was £3,382,8-5 (Rs. 4,92,42,675) as compared with £1,844,081 (Rs. 2,76,61,215) for 753 municipalities in 1902-03.

Contributions from Government have materially assisted this expansion. Since 1911, the Government of India have made grants amounting to £3,076,466 (Rs. 4,61,47,000) of which £368,200 (Rs. 55,23,000) are recurring for urban sanitation. Municipalities have also received their share—the exact figure is not easily ascertainable—of the large educational grants made by the Government of India since 1911, amounting to about £3,987,800 (Rs. 5,98,17,000), of which £826,666 (Rs. 1,24,00,000) are recurring. Municipal boards have been relieved of all charges for the maintenance of police within municipal limits. In almost every province the recommendation that municipalities should be relieved from financial responsibility for famine relief and should receive assistance from Government in the case of severe epidemic, has been already given effect to, or the principle has been accepted.

There is a growing demand on every side for improvements and it is not possible for all municipalities to finance large schemes of water-supply and drainage without substantial aid. Such aid has been freely given by the Imperial and local Governments. The power of the Government to make grants is, however, limited and financial assistance of this nature cannot be expected unless the rate-payers are prepared to bear reasonable proportion of the burden. Where, however, further taxation is not possible the Government of India trust that municipalities will bear in mind the possibility of supplementing taxation by development of municipal property, so as to ensure the best possible rents and by maintaining the principle that special services such as the supply of water, electric lighting, etc., should, as far as possible, pay for themselves.

The Government of India have also accepted a further recommendation of the Commission, namely, that assistance may legitimately be given by Government to poorer municipalities which, without it would be unable to carry on the normal standard of administration required from them. In such cases, the Government of India agree with the Commission that assistance can best be given, when it is given, by a general recurring grant-in-aid, which should be at the discretion of the local Government and met from its own resources.

Budgets and Financial Control.

Commenting on the minute control exercised in some provinces over municipal finance, the Commission recommended that municipalities should have a free hand with regard to their budgets; the only check required should, they thought, be the maintenance of a minimum standing balance to be prescribed by the local Government. They acknowledged that relaxed control might lead to mistakes and mismanagement, but they were of opinion that municipal bodies could attain adequate financial responsibility only by the exercise of such power and by having to bear the consequences of their errors. Further checks would be provided by the control which local Governments would exercise over loans, and by the power which should be reserved to compel a municipality to discharge its duties in case of default. The system proposed is stated to be in force in the Bombay Presidency where, however, no minimum balance is required by law. The Government of the United Provinces accepts the recommendations subject to the condition that Commissioners should pass and that Government should see the

budgets of indebted municipalities. The Punjab Government also agrees subject to the proviso that the budget of an indebted municipality should be forwarded to the Government for intimation. The Government of Bengal are prepared to introduce the change experimentally in certain selected municipalities. They intend also to issue general instructions to Commissioners in this province to abstain from interference in details and to restrict their supervision to securing (1) a minimum closing balance, (2) provision for the service of loans, (3) the observance of the provisions of the Act or statutory rules and of any standing orders of Government. Other Governments concede certain relaxations of existing rules. The Government of India accept these opinions for the present, but they nevertheless regard the recommendation of the Commission as expressing a policy to be steadily kept in view and gradually realised.

Town-Planning and Relief of Congested Areas.

The question of extending the powers of selected municipalities to enable them to relieve the pressure of population in congested areas, and to undertake schemes of orderly town planning in order to provide for future needs, has been dealt with by the Government of India in paragraphs 43 and 44 of their Sanitary Resolution Nos. 888-908, dated the 23rd May, 1914. A Town-Planning Bill, combining many original features with others derived from the latest English and Continental legislation has now been passed into law in the Bombay Presidency, and the Government of India will watch with deep interest the results of this experiment, which will, they trust, pioneer a fruitful expansion of municipal activities in India.

Rural Boards (District and Sub-District).

The Commission desired that sub-district boards should be universally established and that they should be the principal agencies of rural board administration. They noted that there was a considerable body of evidence that the sub-district boards existing in Bombay, Bengal, Punjab, Bihar and Orissa and the Central Provinces have not been efficient or successful bodies, and this they attributed largely to the circumscription of their powers and resources. They thought that these boards should have adequate funds and a large measure of independence, and that their jurisdiction should be so limited in area as to ensure local knowledge and interest on the part of the members, and be at the same time a unit well-known to the people. For this purpose they suggested the taluka or tahsil as a suitable unit. The system recommended by the Commission is in force in Madras, where, however, the territorial jurisdiction is coterminous with the revenue division. In Bombay the taluka board is universal and is the Principal agency in rural board administration. In Bengal and in Bihar and Orissa the sub-district boards are merely the agents of the district boards and have restricted powers. The local Government concerned deprecate such a reconstitution as would involve sapping the vitality of district boards while in entire agreement with the Commission that sufficient use has not hitherto been made of these bodies. In the Central Provinces where also sub-district boards with limited powers exist, a scheme has been introduced for enlarging their scope by entrusting them with the management of minor public works, sanitation, water-supply, etc. and placing

an adequate share of the district council funds at their disposal for these purposes. In Assam the rural boards have jurisdiction over sub-divisional areas, and perform the duties assigned elsewhere to district boards. The Governments of the United Provinces and the Punjab and the Chief Commissioner of the North-West Frontier Province consider the scheme unsuitable in view of local conditions. Districts in Northern India are comparatively small and form an easily controlled unit, communications are good, and moreover under existing conditions in the provinces concerned it would be more difficult to secure competent boards in tahsils than in districts. The Lieutenant-Governor of the United Provinces considers, moreover, that there is every prospect of a steady advance in the reality and utility of district boards by a continuous and orderly development of the existing system of delegation to tahsil or sub-divisional committees. The Punjab Government favours the formation of sub-committees within a district board on a local basis. The Government of India accept the views of the several local Governments in regard to their own provinces.

Elective Majority.

District and sub-district boards, in the opinion of the Commission, should contain a large preponderance of elected members, together with a nominated element sufficient to secure the due representation of minorities and of official experience.

In the United Provinces, the number of nominated members on a district board cannot exceed one-third of the elected members, while in the Central Provinces the number of such members cannot exceed one-third of the total number. The Government of Madras are prepared to raise the proportion of elected members to two-thirds and one-half of the maximum strength on district and sub-district boards, respectively. In Bombay, the Governor-in-Council regards it as inadvisable, in present conditions, to provide for an elected majority on the boards. There is already a substantial majority of elected members both in district and sub-district boards in Bengal, and in Bihar and Orissa. In the Punjab, the elective system has been applied to many districts and the local Government has expressed its readiness to extend it. The Chief Commissioner of Assam has adopted the principle of granting an elective majority. In the North-West Frontier Province the change is not yet practicable owing to factional and tribal feeling. It will be seen that local Governments in general are in sympathy with the Commission's proposal.

Chairmen.

The Commission were of opinion that an official should remain, as he usually is at present, chairman of every district and sub-district board. They considered that the removal of the district and sub-divisional officer from the presidentship of rural boards would have the effect of dissociating them from the general interests of the district in such matters as roads, education, sanitation, etc., and would divorce them from healthy contact with instructed non-official opinion. They differentiated the circumstances of rural boards from those of municipalities, in that the latter are less connected with general district ad-

ministration, that they have reached a higher level of political education and that the jurisdictional area is much smaller and more compact. All local Governments have accepted this view with which the Government of India are in agreement though they will have no objection to non-official chairmen being retained where such exist, or appointed where a local Government or Administration desires to make the experiment.

Financial Resources.

The funds of district boards are mainly derived from a cess levied upon agricultural land over and above the land revenue, with which it is collected, and not usually exceeding one anna in the rupee (6½ per cent) on the annual rent value. Since 1905 this income has been specially supplemented by a Government contribution amounting to 2½ per cent of the then existing income. Besides this, special grants are frequently made to district boards by local Governments. The total number of district and sub-district boards in 1912-1913 was 199 and 536, respectively, with an aggregate income of £3,787,219 (Rs. 5,68,08,292). In the same year they received specially large grants from the sums allotted by the Imperial Government for education and sanitation. Prior to 1913 the district boards of several provinces did not receive the whole of the land cess. For example, this cess in Bengal and Bihar and Orissa was divided into two parts, viz., the road cess and the public works cess. The district boards only enjoyed the benefits of the road cess, while the public work cess belonged of right, to the local Government, which returned, however, a portion in the shape of discretionary grants. In other Provinces, e.g., the United Provinces, the Punjab and the North-West Frontier Province, considerable deductions were made by the local Governments claimed from the cess for various purposes. In 1913 the Imperial Government made assignments to the local Governments concerned to enable them to hand over the entire net proceeds of the cess to the boards. The relief thus given amounted to £548,866 (Rs. 82,33,000) a year and the provinces which benefited were Bengal, the United Provinces, Bihar and Orissa and to a smaller extent the Punjab and the North-West Frontier Province. The income of district boards in Bengal, the United Provinces and Bihar and Orissa has mainly by this measure been increased by 44.43 and 55 per cent. respectively in the year 1913-1914. This notable expansion will enable them in future to undertake or develop many beneficent activities from which they have hitherto been debarred by lack of financial means.

Budgets and financial control.

A further recommendation was that rural boards should be given full power to pass their budgets subject only to the maintenance of a prescribed minimum balance. The procedure recommended by the Commission is stated to be already in force in the Bombay Presidency. Other local Governments generally are not prepared to accede to this complete removal of restrictions, although some of them propose some relaxation in the existing rules. The Government of India consider that the present restriction on the powers of the Boards with regard generally to budget expenditure should be gradually relaxed with due

regard to local conditions and requirements. The fact that an official is almost invariably president of a rural board and that powers of inspection and control by certain officers of Government are provided under the Acts relating to rural boards should ordinarily, in their opinion, be sufficient safeguards against gross inefficiency or mismanagement.

Establishment.

The Government of India have come to the same conclusions in the case of establishments of rural boards as in the case of municipalities (paragraph 23 supra). They have recently, in their Sanitary Resolutions, Nos. 888-908 dated the 23rd May 1914, expressed the opinion that the appointment of well-qualified and wholetime district sanitary officers to control and organise all sanitary arrangements and experiments in the district is one of the urgent needs of the present time.

Special outside control.

Special powers of control over rural boards are vested in outside authorities under the existing Acts, and the Commission recommended that these should continue. The local Governments in general as well as the Government of India accept this view.

VILLAGE ORGANISATION—PANCHAYATS OR OTHER COMMITTEES.

Recommendations of the Commission.

The Commission recommended the constitution and development of village panchayats possessed with certain administrative powers, with jurisdiction in petty civil and criminal cases, and financed by a portion of the land cess, special grants, receipts from village cattle pounds and markets, and small fees on civil suits. This proposal, favourably commended by the Government of India, who expressed their readiness to acquiesce in some form of permissive taxation, if need be, has in general been sympathetically received. The practical difficulties are, however, felt to be very great in many parts of India. The Government of Burma and the Chief Commissioner of the Central Provinces deprecate the introduction of a system which, in their judgment, is alien to the customs of the people and will not command public confidence. Other Governments are willing to experiment, but on different lines. The Punjab Government has already established panchayats for civil cases only and of a voluntary character. Sir Leslie Porter, when officiating as Lieutenant-Governor of the United Provinces, expressed his willingness to entrust selected panchayats with criminal as well as civil jurisdiction. The Madras Government are desirous of experimenting in the establishment of panchayats but consider that action should be confined for the present to the encouragement of voluntary self-contained organisms independent of statutory sanction and consisting of village elders conferring together for common village purposes. So far as judicial functions are concerned they are content to rely on the provisions of the Madras Village Panchayats Regulation, 1816, and the Madras Village Courts Act, 1888, which authorise the assembling of panchayats and the convening of village bench courts for the

settlement of particular civil suits on the application of the parties and to encourage the operation of these enactments wherever practicable. The Governments of Bengal and of Bihar and Orissa are of opinion that their existing laws sufficiently provide for the establishment of panchayats with administrative duties while powers to dispose of criminal cases could be given under the existing Acts dealing with these matters. The Chief Commissioner of Assam has expressed his readiness to develop village government, and the Local Self-Government Bill which has recently passed the Legislative Council of that province permits the constitution of village authorities, the grant of funds by local boards and from other sources, and the delegation of minor powers of local control. The whole question has now been raised again in the discussions contained in the report of the Bengal District Administration Committee, 1913-1914.

Panchayats.

The Commission recognised that any policy of establishing panchayats would be the work of many years, would require great care and discretion, and much patience and judicious discrimination between the circumstances of different villages. The Government of India desire that where any practical scheme can be worked out in co-operation with the people concerned, full experiment should be made on lines approved by the local Government or Administration concerned. Throughout the greater part of India the word "panchayat" is familiar. The lower castes commonly have voluntarily constituted panchayats, to whom they allow quasi-judicial authority in social matters. The more artificial administrative committees such as chaukidari panchayats, local fund unions, and village sanitation and education committees, and, in places even village panchayats, already exist. The spread of co-operative societies and the distribution of Government advances in times of famine and scarcity on joint security are educative influences. Village tribunals for the disposal of petty civil suits have got beyond the experimental stage in some places and are in the experimental stage in others. There is, therefore, some material with which to build. The Government of India agree, however, with the view prominently brought forward by the Bengal District Administration Committee that much will depend on the local knowledge and personality of the officers who may be selected to introduce any schemes.

General Principles.

With this general commendation, the Government of India are content to leave the matter in the hands of local Governments and Administrations. They are disposed to consider that the following general principles indicate the lines on which advance is most likely to be successful.

- (1) The experiments should be made in selected villages or areas larger than a village, where the people in general agree.
- (2) Legislation, where necessary, should be permissive and general. The powers and duties of panchayats, whether administrative or judicial, need not and, indeed, should not be identical in every village.

- (3) In areas where it is considered desirable to confer judicial as well as administrative functions upon panchayats the same body should exercise both functions.
- (4) Existing village administrative committees, such as village sanitation and education committees, should be merged in the village panchayats where these are established.
- (5) The jurisdiction of panchayats in judicial cases should ordinarily be permissive, but in order to provide inducement to litigants reasonable facilities might be allowed to persons wishing to have their cases decided by panchayats. For instance, court fees, if levied, should be small, technicalities in procedure should be avoided and possibly a speedier execution of decrees permitted.
- (6) Powers of permissive taxation may be conferred on panchayats, where desired, subject to the control of the local Government or Administration, but the development of the panchayat system should not be prejudiced by an excessive association with taxation.
- (7) The relations of panchayats on the administrative side with the administrative bodies should be clearly defined. If they are financed by district or sub-district boards, there can be no objection to some supervision by such boards.

PRESIDENCY CORPORATION AND RANGOON.

Recommendations of the Commission.

The Commission recommended that all the presidency corporations should be invested with the powers possessed by the Corporation of Bombay, and that the system of administration in force in that city, *viz.*, that of a nominated official Commissioner in combination with an elected chairman should be extended to the other towns. They also considered that the same privileges should be conferred on the Rangoon municipality in view of its population, the large future which lies before it and the strength of its commercial community.

Bombay, Calcutta, Madras.

The presidency municipalities are regulated by special Acts, and their resources and powers are far greater than those of any district municipality. In Calcutta and Madras, the municipal chairman is appointed by Government. In Bombay, he is elected, but the executive administration is vested in a Commissioner nominated by Government. He is assisted by a Deputy Commissioner appointed by the corporation subject to the confirmation of Government. The Commissioner possesses wide executive powers; in some matters he must obtain the sanction of the standing committee (a statutory body one-third of whose members are nominated by Government); in others again of the corporation. The corporation enjoys a very full discretion in the work of municipal administration; it passes its own budget, and may impose taxation within the limits of the law; and the sanction of Government is necessary only to the appointments of health officer and engineer.

The corporation of Calcutta possesses similarly wide powers. The sanction of Government is, however, required to the execution of works costing one lakh of rupees or more and to the salary of any employe drawing more than Rs. 1,000 a month, as well as to the appointments of health officer and engineer.

In Madras, the Government possesses numerous powers which are not reserved to the Governments of Bengal and Bombay.

The adoption of the Bombay Constitution,

As regards the main proposal of the Commission, the Government of Bengal were in 1909 disposed to agree with the preference expressed for the constitution of the Bombay municipality in respect of the offices of municipal Commissioner and chairman, but stated that the point would be considered hereafter, should the amendment of the Calcutta Municipal Act be undertaken. The Government of Madras agree with the corporation as to the advisability of introducing the Bombay system and they have no objection to the general emancipation of the corporation from Government control provided that the Municipal Commissioner is placed in a position substantially as strong as he occupies in Bombay.

The Government of India have accepted in the main the recommendations of the local Governments which will go far towards carrying out the Proposals of the Commission. They have expressed to the Government of Madras the opinion that a free hand might be left to the corporation to impose without the sanction of Government, any tax specifically sanctioned by the Act with regard to which maximum rates have been laid down therein. They consider that in order to provide security of tenure, the health officer, revenue officer, and engineer should not be removable without the sanction of Government. In the case both of Calcutta and Madras, the limit of cost of works which may be undertaken without the sanction of Government will be raised to Rs. 1½ lakhs, and, with regard to Calcutta, the Government of Bengal have agreed to remove the restriction requiring the sanction of Government to salaries carrying more than Rs. 1,000 a month. The appointments of health officer and engineer will continue to require this sanction.

Rangoon.

With regard to Rangoon, the Government of Burma is not prepared to make the concessions recommended. The circumstances of Calcutta, Madras and Rangoon are in many respects widely different, and the Government of India defer at any rate at present, to the view of the local Government on this point. But they observe, as a general proposition, that in cities where there is a responsible public press and representation in the Provincial councils, the case for entrusting large powers and extended freedom to the municipal bodies appears to be specially strong.

Local Government Board.

The suggestion, that Government control over rural boards and municipalities should be exercised in each province by a local Government Board, which should contain a proportion of non-official members, was not accepted by the Commission. They considered that, since their proposals would greatly reduce the outside con-

trol exercised over the proceedings of municipal and rural boards and would provide for the delegation in large measure of such powers of guidance as are necessary to Commissioners and other local officers no benefit would be derived from the creation of a special controlling board of this nature. The Government of India also are not prepared to support the proposal, which is not only unnecessary in the opinion of the local Governments consulted, but is undesirable as tending to perpetuate the very centralisation in local affairs, which it is the object of Government to diminish.

Conclusion.

In conclusion, the Governor General-in-Council hopes that this declaration of policy may lead to steady and sound progress, without hampering local Government and administration or unduly fettering local self-government. It is designed to mark a definite advance in devolution and political education. His Excellency in Council trusts that it will be interpreted in the spirit in which it is framed, a spirit of prudent coldness, calculating risks but not afraid to take them in the cause of progress.

CHAPTER X.

FINANCE*.

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122. Control over Indian Finance.—India's status as a dependency does not, as may perhaps be supposed, entail upon her any tribute as such to the Imperial Government, nor are the revenues of Great Britain directly expended in India or particularly for her sake. Section 2 of the Government of India Act, 1858, declares:—‘ And all the territorial and other revenues of or arising in India and all tributes and other payments in respect of any territories which would have been receivable by or in the name of the said Company if this Act had not been passed, shall be received for and in the name of Her Majesty, and shall be applied and disposed of for the purposes of the Government of India alone, subject to the provisions of this Act.’ The same Act subjected the expenditure of the revenues of India to the control of the Secretary of State for India in Council by section 41 which runs thus:—‘ The expenditure of the

* Finance is State income, and under that heading, we have to deal with the revenue of Government obtained by means of taxes or otherwise, the expenditure of that revenue, the raising and management of public debt and cognate matters.

revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council; and no grant or appropriation of any part of such revenues or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act shall be made without the concurrence of a majority of votes at a meeting of the Council.'

The absolute financial power which has thus been concentrated in the hands of the Secretary of State in Council, could not, in practice, be exercised without inconvenience or detriment to the good and efficient administration of this country. and, therefore, considerable discretion had to be allowed to the Government of India which can, within strictly defined limits, sanction fresh expenditure and create new offices of minor importance. Besides these two authorities possessing financial power, given to them by Statute, there are the Provincial Governments whose power in this behalf is extremely small and conferred upon them by the Government of India in accordance with the financial arrangements made with them from time to time. The financial powers of Municipalities and Local Boards are derived from the Indian legislatures. The revenue and expenditure of the last-mentioned bodies are, however, now kept separate from the general finances of the central Government.

"It will thus be seen that there are three distinct spending authorities in respect of the same revenues. The Secretary of State is directly responsible for charges in connection with the Government of India incurred in England and exercises control over the Government of India; the Government of India directly incurs the expenditure on the Imperial Services and controls the Provincial Governments; and the Provincial Governments are responsible for the charges on Provincial Services and are controlled by the Government of India and the

Secretary of State. But the taxes which feed this three-fold expenditure are imposed only by a single authority and they, together with the aggregate of the expenditure by all the three spending authorities under each head, are estimated for in one budget and exhibited in one account." †

123. Supreme and Provincial Governments.—

Originally, the financial affairs of the three Presidencies were, in the main, kept separate until 1833 when by the Act of that year, the general control over the presidencies of Madras and Bombay was vested in the Governor General of Fort William in Bengal. The Governors of the presidencies were precluded by statute from creating any new office or granting any salary or gratuity or allowance without the previous sanction of the Governor General. There was no regular system of finance and the confusion of the arrangements of the time of the East India Company was worse confounded by the financial embarrassment caused by the Mutiny. The need of rigorous economy and thorough organization of the finances was urgently felt and it was under these circumstances that Mr. James Wilson was made the first financial member of the Governor General's Council and was entrusted with the task of bringing order out of chaos. Under the system then introduced, until a radical change was made in 1871, the central Government retained in its own hands the entire control of finance and made grants of money at its discretion to meet the demands of the Local Governments.

While collecting the greater part of the revenue merely as agents of the Supreme Government, the latter had no direct interest in the result of the collection since the whole revenue went to the common fund, managed by the central authority which controlled the smallest

† The Journal of the South Indian Association, April, 1912.

detail of every branch of the expenditure. This position of the subordinate Governments was most galling to them and the new system, though introduced with a view to strict economy, in fact led to extravagance. The Provincial Governments did not feel a sense of responsibility. They were tempted to ask for more than they expected to get and expended every pie that they received when they could have managed with less. In submitting the budget for 1861-62 before the Supreme Council, Mr. Samuel Laing observed :—

“It has long been a standing complaint with other Presidencies and Provinces, that they were deprived of a fair share of self-government and kept in state of galling and humiliating dependence on the *bureaux* of Calcutta. Well, sir, the power of the purse is the ultimate power, and as long as Local Governments are absolutely subservient to Calcutta in financial matters, it is evident that they can have no real independence. But if, without sacrificing in any way the unity of the Empire and Imperial control in Imperial matters, we give them local Budgets, their position is altered. We propose to give them not only powers of local taxation but possibly to credit them with a liberal share of reductions of expenditure, which they may be able to make on the estimates of the general Budget.”

124 Lord Mayo's Scheme.—No steps were, however, taken to give effect to his scheme or the others that were subsequently put forth till at last in 1871,

§ Mr. Laing proposed to give local Governments the power to raise money by taxation for the purpose of financing Public Works as the Imperial revenues were for the purpose inadequate. Mr. Massey propounded his scheme in 1866-67, under which it was proposed to transfer from Imperial to local account charges of a local character. The idea was developed by General R. Strachey in 1867 and by Sir J. Strachey in 1869. The latter observed in the Legislative Council that real incentive to economy must be given to local Governments and that specific responsibility of balancing income and expenditure must be thrown upon their shoulders.

Lord Mayo, the Governor General, took the matter up into his own hands as part of a plan for restoring equilibrium to the Imperial finances which were in a state of chronic deficit. The disorganized and wretched condition of the finances when Lord Mayo took the helm of affairs was this:—"The half century which preceded Lord Mayo's arrival in India had presented a long series of financial short-comings. Of the fifty-five years beginning with 1814-15 and ending with 1868-69, only sixteen had shown a surplus while 36 had been years of deficit. The total of the surplus amounted to about $12\frac{1}{2}$ millions of sterling; the deficit exceeded $75\frac{1}{2}$ millions of pounds.

"The period immediately preceding Lord Mayo's arrival was, if possible, even more discouraging. The last three years from 1866 to 1869 had left behind deficits aggregating $5\frac{3}{4}$ millions sterling. This was for ordinary expenditure alone. If we add the outlay on 'extraordinary' (or reproductive public works), the total excess of expenditure over revenue in the three years preceding Lord Mayo's first budget amounted to the vast sum of 11 millions sterling."† Lord Mayo not only attacked the immediate deficit of $2\frac{1}{2}$ millions but took measures to reform the whole financial system and to place it on a sound footing for the future. The weak points in the system then in vogue have been indicated above. Lord Mayo perceived that the first condition precedent to any reform must be the creation of a sense of financial responsibility in the Local Governments.

This object Lord Mayo sought to attain by making over to the Local Governments certain heads of expenditure, of which the more important were police, education jails, medical services (except 'medical establishments'), roads, and civil buildings. To meet these charges, the departmental receipts under the corresponding heads

† Lord Mayo in the Rulers of India Series.

were assigned to the Local Governments and also a fixed annual grant based upon an estimate of previous expenditure was to be made to them. Within the limits of that sum those Governments were allowed entire freedom as to the distribution of the expenditure, and any savings from one year were available to be spent in the next.

125. Provincial Contracts.—The next stage in the development of provincial finance is represented by the reforms introduced in the time of Lord Lytton when a material alternation was made in the terms of the financial settlements concluded with Provincial Governments. Under the new scheme further heads of expenditure including, in most provinces, land revenue, general administration and law and justice, were transferred to provincial management. In addition to the allotment of a lump sum, the Imperial Government likewise transferred to the Provincial Governments the entire receipts under certain heads of revenue, reserving to itself only a share in the prospective increase.

This arrangement was designed as an incentive to economy and was calculated to provide a margin, which might be increased by careful management, with which to meet growing expenditure. These settlements were subjected to revision every five years. They did not, however, prove satisfactory as the revenues assigned to the Local Governments were far from adequate to their growing needs and they did not feel interested in the development of the general revenues.

When fresh settlements were made with the major provinces in 1882, a still larger proportion of the main heads of revenue was transferred to Local Governments. Certain heads such as opium, salt and customs remained wholly imperial; others such as forests, excise, stamps were equally divided while the remaining were entirely provincialized. But as the expenditure which the Local Governments had to incur exceeded their re-

venue, the difference was made up not by the allotment of a lump sum, but by a fixed percentage on the land revenue of each province.

This arrangement too, like the previous one, suffered from serious drawbacks. At the end of every quinquennial period there was wrangling between the Supreme Government and the Provincial Governments and the latter were tempted, with a view to making a better contract, during the closing years of each settlement, to incur hasty and wasteful expenditure. The contract system was, therefore, replaced by the quasi-permanent settlement of 1904, under which the revenues assigned to Local Governments were definitely fixed and were not subject to periodical revision as before. The power of revision reserved by the Supreme Government was to be exercised only in the case of grave Imperial necessity or in the event of experience proving the assignment made to have been materially disproportionate to normal provincial requirements.

126. Permanent Settlements.—The quasi-permanent settlements were converted, in 1911, into what have been called 'permanent settlements.' Subject to special emergencies when the two parties might be compelled to look to each other for temporary assistance, the new arrangements, it was declared, were to be rigid and permanent. Local Governments were to be particularly careful about their balances and the husbanding of their resources, though they could share any surpluses the Government of India might have to distribute among them.

During the last few years of these permanent settlements preceding the out-break of the War, the Imperial treasury had been overflowing and the Government of India had been making liberal grants for the promotion of education, sanitation and so forth, in the several

provinces. Under the existing system then, certain heads of revenue and expenditure remain in the hands of the central Government. The revenue, the Government of India retains for its own purposes and for meeting the expenditure incurred by the Secretary of State in England, is described in the accounts as Imperial, while that assigned to the Local Governments is described as Provincial. There is a similar classification for expenditure.

The Government of India receives the whole of the revenue under the heads Opium, Salt, Customs, Tributes from Native States, Post Office, Telegraph, Railways, Mint and Military Receipts, and it is responsible for the expenditure on the corresponding heads as well as for the Home charges and the bulk of the expenditure under the head 'Interest on Debt.' Revenue and expenditure under other heads are divided between Imperial and Provincial, or are wholly Provincial.

The so-called 'permanent settlements' with the different provinces and the system of provincial finance which has thus been evolved in the course of the last forty years, cannot, however, be regarded as having necessarily any finality about them. Some of the Provincial Governments complain that the share of revenue assigned to them is inadequate and clamour for more. The Provincial Governments do not possess borrowing powers nor can they levy taxation on their own account. The system of provincial finance does not appear to have the necessary amount of elasticity in its revenue arrangements. Of the provincial revenue, about two-thirds is derived from the three divided heads of land revenue, excise and assessed taxes. The control with regard to these heads is divided, and the 'Provincial Governments can not themselves adjust the revenue according to the fluctuating needs of their total expenditure.'

127. Joint Family System.—The present system under which the Imperial Government makes grants to Local Governments, earmarked for specific purposes, is not approved of by the latter who complain that these ‘doles’ upset their programmes and force them to move through a particular groove when they would have liked to lay down and follow their own lines of development in consonance with their peculiar provincial needs. With the reformed Legislative Councils the pressure upon the Provincial Governments for increased expenditure is growing, and in the absence of the power to levy taxation, their position has become one of extreme difficulty. Far from being permanent, the present settlements are thus likely to require important alterations in them in the near future. It has even been suggested that the revenues of the Imperial Government should be derived from assignments made by the Provinces and that Indian finance should thus be placed upon a federal basis.

Opposing a resolution recommending to the Government of India the grant of an increased share of provincial revenue to Madras, Sir Harold Stuart made the following interesting remarks in the Madras Legislative Council with regard to the general principle underlying Provincial financial settlements :—

“ The financial settlements were not on a federal basis as suggested by one of the previous speakers. The Provinces were still the creatures of the Imperial Government. The whole settlement rested not on that federal basis, but on the joint family system. The quinquennial settlements had been superseded by permanent settlements made on an examination of the normal expenditure for a period of five years and an allowance was made for any extraordinary additions or reductions. The total expenditure having been calculated in that manner the Government of India proceeded to give each Province a share of its revenues sufficient to meet its expenditure. There was no question of the division of revenue in accordance with the growth of population or any other consideration except in accordance with the normal expenditure of the preceding five years. The case was that of the joint family system as against the individualistic system. Their aged parents at Simla and Delhi supported the younger members of the family. The younger members were still in the education stage. The

parents required money to spend upon the younger members. This Government was one of the elder brothers doing very well and so this Government contributed a large share to the joint family expenditure. He asked the Council to remember how much of the expenditure was borne by the Government of India. They bore charges for the defence of the Empire, charges for the Railways, most of the charges for debt and practically the whole of the Home charges. If this Government kept a larger portion of their revenues some body else would suffer; they could not have more without some body else having less. They had to consider what would be the effect on the country as a whole, if this Government kept a larger share. Government of India to meet the requirements would be obliged to put on additional taxes which this Government had to pay even if they had a matricular contributory system. He was sure that this Government would not be very much the gainer. If the contribution was levied on a taxation basis, each province would be required to pay in accordance with its means of payment which was the perfection of any system of taxation. This Government should have their normal expenditure in the past years examined and should probably in the end be paying quite as much their matricular contribution as under the joint family system that now existed."

But the position of the Government of India in this connection is peculiar. As the directly responsible authorities for the good government of this country, it is their duty to supervise and control the administration and to lay down a general policy, subject to provincial variations, for the guidance of the Local Governments. This is the fundamental principle of the Supreme Government, and they would leave to the Provincial Governments all possible latitude and independence which is not incompatible with the responsibility which has been placed upon their shoulders. This position cannot be altered unless and until the theory underlying the existing relations between the Supreme and Provincial Governments is replaced by the Federal principle under which the Provinces will enjoy full autonomy subject only to certain limitations necessary to maintain the unity of the whole.

In their Resolution of 1912 on this subject, Government of India observed:—"These arrangements represent in the opinion of the Government of India, a decided advance in the path of decentralization. They place a greater responsibility on Local Governments for the sta-

bility of their provincial finances while at the same time investing them with wide independence. The arrangement aims at securing a clear division of duties and liabilities; and Government of India trust that it will now be followed, on the part of each Local Government, by a careful examination of the scale of expenditure which now prevails, particularly in the Roads and Buildings Branch of the Public Works Department. The Government of India have now conducted such an examination into their own finances, with a view to economy and retrenchment; they think it would be well if Local Governments should now do the same, bearing in mind the rigidity of the new arrangements and the grave responsibility for keeping the growth of provincial expenditure at a ratio which shall in no circumstances be greater than the growth of provincial resources."

128. Financial Statistics—An idea of the total gross revenue and expenditure of India may be obtained at a glance from the following figures which cover a period of eight years including the current year.

	<i>Revenue.</i>	<i>Expenditure.</i>	
		Surplus (+)	Deficit (-)
	£*	£	£
1910-11	80,682,473	76,746,186 +	3,936,287
1911-12	82,835,750	78,895,416 +	3,940,334
1912-13	86,862,598	83,754,964 +	3,107,634
1913-14	85,207,175	82,894,752 +	2,312,423
1914-15	81,157,666	82,942,936 -	1,785,270
1915-16	84,413,537	85,602,198 -	1,188,661
1916-17			
(Budget Estimate)	86,528,600	85,702,900 +	825,700
1916-17			
(Revised Estimate)	96,834,500	91,017,000 +	5,817,500
1917-18			
(Budget Estimate)	98,850,900	98,721,100 +	129,800

* £ = Rs. 15.

Except for one year of financial crisis, viz. 1908-09, the last decade had been a period of continuous surpluses. The continuity was broken by the temporary set-back caused by the disturbance of the War, the dismal shadow of which has been cast over the whole face of Indian finance during the last four years. Deficits have had to be averted and surpluses provided for by fresh taxation.

Revenue and Expenditure are distributed between the Imperial and Provincial Governments as follows —

Budget, 1917-18 [In millions of £.]

	Imperial	Provincial	Total
Revenue ...	66·563	32·288	98·851
Expenditure ...	66·433	32·386	98·819
Surplus(+)or deficit (-)	+·130	-·098	+·032

The deficit in the Provincial account, viz, £. 098 is extremely small and is only nominal. The Government of India keeps with it balances credited to Local Governments and any surplus or deficit resulting from the provincial operations of the year is transferred to or made good from these balances. In 1914, the Finance Member budgeted for a total Imperial revenue of about £ 54½ millions. The revised estimate showed only about £ 50 millions, or a total decrease of £ 4¼ millions, a result attributed entirely to the War and more especially to the decrease in the two large sources of revenue which were most severely affected by the consequent dislocation and depression of trade, viz., Railways and Customs. The

aggregate Provincial revenue was estimated in the budget at £ 30·8 millions, but was subsequently reduced, in the revised estimate, to £ 30·2 million. The Provincial expenditure was taken in the budget at £ 34 million and was reduced by £ 1½ million to about £ 32½ million.

In view of the disturbed financial situation, the Provincial Governments were instructed to apply the scissors and to postpone avoidable expenditure. They were, however, allowed to draw upon their balances and to spend in excess of their revenue to the extent of about one million, which constituted, their deficit. Though in theory the whole revenue of India belongs to the Supreme Government and it assigns certain shares of the same to the Local Governments, in practice, the bulk of that revenue is collected by the latter and contributed to the Imperial exchequer. No additional burden of taxation was imposed in 1914 and 1915, but more money had to be found to meet the extraordinary demands made by the War, and as we shall presently show, fresh taxation was resorted to during the two subsequent years.

We give below figures which represent the gross revenue and expenditure of India, in India and in England, for the years indicated in the statements. The figures of gross revenue include the net receipts of railways without any deduction on account of interest charges, the total receipts (without any deduction on account of interest charges, working expenses &c.) derived from the other commercial undertakings of the Government of India, i. e. Irrigation works, Post Office and Telegraphs and from the sale of Opium, and the receipts of certain spending departments; while the figures of gross expenditure include refunds and assignments, the interest charges of railways, the working expenses and interest charges of other commercial undertakings and the cost of cultivation and manufacture of opium.

Statement Showing the **Revenue** of the Government of India
in India and England.

	Accounts 1915-16	Budget Estimate. 1916-17.	Revised Estimate. 1916-17.	Budget Estimate. 1917-18.
	£	£	£	£
Principal Heads of Revenue ...				
Land Revenue	22,031,160	21,932,100	22,063,500	22,261,500
Opium	1,913,514	2,286,900	3,153,100	3,389,300
Salt	3,647,587	3,987,600	4,785,900	3,972,900
Stamps	5,433,632	5,483,800	5,820,900	5,965,400
Excise	8,632,209	8,557,300	9,152,500	9,291,700
Customs	5,873,886	7,698,000	8,669,100	9,394,800
Other Heads	5,334,386	6,120,800	7,039,500	8,554,900
Total Principal Heads ...	52,866,375	56,060,500	60,684,500	62,830,500
Interest	1,096,417	1,176,300	1,110,100	2,095,700
Posts and Telegraphs ...	3,787,478	3,876,900	4,176,700	4,345,700
Mint	102,918	72,900	624,600	139,100
Receipts by Civil Departments...	1,589,964	1,549,900	1,694,400	1,706,300
Miscellaneous	679,488	565,100	806,500	743,000
Railways: Net receipts ...	17,977,103	16,995,000	20,981,600	20,253,000
Irrigation	4,779,079	4,837,400	4,979,500	5,125,300
Other Public Works	304,035	269,700	306,800	285,200
Military Receipts	1,241,740	1,165,900	1,469,800	1,327,100
Total Revenue ...	84,413,537	86,528,600	96,834,500	39,850,900
Deficit	1,188,661	...	...	...
Total ...	85,602,198	86,528,600	96,834,500	98,850,900

Statement Showing **Expenditure** charged to the Revenue of the
Government of India in India and in England.

	Accounts 1915-16	Budget Estimate 1916-17	Revised Estimate 1916-17	Budget Estimate 1917-18
	£	£	£	£
Direct Demands on the Revenues	9,467,370	9,450,600	9,483,700	10,026,100
Interest	1,190,364	989,700	491,800	6,832,800
Posts and Telegraphs	3,149,680	3,503,500	3,555,600	3,601,900
Mint	49,373	90,300	172,500	115,800
Salaries and expenses of Civil Departments	18,868,215	19,360,000	19,640,100	20,920,400
Miscellaneous Civil Charges ..	5,128,675	5,283,300	5,393,300	5,577,200
Famine Relief and Insurance ...	1,000,000	1,000,000	1,000,000	1,000,000
Railways: Interest and Miscellaneous Charges	13,901,665	14,217,100	14,185,300	14,147,400
Irrigation	3,721,096	3,770,990	3,687,000	3,834,100
Other Public Works	5,457,727	4,744,200	4,726,400	5,546,500
Military Services	23,503,093	23,665,900	26,819,800	27,227,100
Total expenditure, Imperial and Provincial	85,471,258	86,055,500	89,455,500	98,819,300
<i>Add</i> —Provincial Surpluses: that is, portion of allotments to Provincial Governments not spent by them in the year.	335,711	13,800	1,590,200	230,400
<i>Deduct</i> —Provincial Deficits: that is, portion of provincial Expenditure defrayed from Provincial Balances	204,771	366,400	28,700	328,500
Total Expenditure Charged to Revenue	85,602,188	85,702,900	91,017,000	98,721,100
Surplus ... ..	...	825,700	5,817,500	129,800
Total	85,602,198	865,98,600	96,834,500	98,850,900

129. Opium.—We shall now proceed to consider the various heads of revenue and expenditure, one by one, as given in the preceding statements. The question of land revenue will be dealt with in the next chapter and nothing need be said here concerning it. As to the next head, opium production is a State monopoly in British India. The receipts under this head are from the sale of opium to China and other countries. The revenue is raised partly by the levy of a duty on all opium exported from Native States and partly by a monopoly of the production of the drug in the Ganges valley. In British territory poppy cultivation is now practically confined to a permitted area in the United Provinces which is being speedily restricted in view of an agreement with China to curtail the exports of the drug to that country according to a stated scale.

The cultivator of opium in these monopoly districts (known as Bengal opium) must receive a license and is granted advances to enable him to prepare the land for crop. The whole outturn of crude opium is delivered to Government agents at the fixed price of Rs. 6 per seer. The chests of 'provision opium' are sold by auction in Calcutta, and the difference between the price thus obtained and the price paid to the cultivator is the revenue from Bengal 'provision opium.' What is called 'Malwa opium' is grown in Baroda and in some of the Native States of Rajputana and Central India. A heavy duty is imposed upon opium coming into British territory from these places. Besides revenue thus realized, revenue is derived from 'excise opium' intended for consumption in India which, on manufacture, is made over to the Excise Department at the rate of Rs. $8\frac{1}{2}$ per seer.

In conformity with the agreement with the Chinese Government referred to above, the export of opium to China has been steadily curtailed and if that Government

succeeds in suppressing the production of the drug in China, the Government of India is prepared to put further limitations on its export and, of course, on production also. This means a heavy loss of revenue to this country, which Government have had great difficulty in making good, additional taxation having to be levied for the purpose. But during the last few years, owing to restricted supply and speculative buying, the price of opium rose very high and Government received, as a consequence, much larger revenue than was calculated. These 'opium windfalls' made the State treasury overflow with revenue and enabled the Government of India to make liberal grants to Local Governments for various useful purposes. This valuable asset will, however, disappear within the next few years. But the Government of India are prepared for the contingency and have already provided for the loss of its opium revenue.

130. Salt tax.—The tax on salt has a long and chequered history. Salt was long regarded as one of the most suitable articles for general taxation, as a tax on that necessary of life would reach even the poorest of the population. The tax was also looked upon as a financial reserve which might be drawn upon in case of urgent necessity, but not otherwise. The salt revenue in India is derived from a duty levied upon all salt imported into or manufactured in India. Before 1882, there were great diversities as to the rate of the tax in the various provinces, but in that year a general duty of Rs. 2 per maund was imposed and it was raised, six years later, to Rs. 2½. In 1903 the tax was brought back to Rs. 2; it was reduced to Rs. 1½ in 1905 and still further to Re. 1 in 1907. The maund on which this duty is calculated, is a little more than 82 lbs.; consequently, this rate amounted to about one-fifth of an anna per lb.

The salt tax was, for many years, a subject of serious grievance and its reduction has been most beneficial

to the mass of people with whom salt is an important necessary of life. The small sacrifice of revenue was more than compensated for, and the reduction led to a steady increase in consumption. In 1916, however, taxation had to be increased, and a part of the increase was obtained by a slight enhancement of the salt duty, from Re. 1 to Rs. $1\frac{1}{4}$ per maund. The Finance Member then remarked:—"Enhancement of the salt tax has always been looked on as a reserve to be utilised when war or other financial calamities come upon us, and in making the reductions of the tax which I have noted above, our predecessors had in view the increase thus afforded in the potentialities of this reserve. It is only natural, therefore, that in the present situation we should turn to an increase in the salt duty."* The sources of stamp revenue are two : judicial and non-judicial. Stamps have to be affixed on complaints, petitions and other documents filed before the various courts, in lieu of court fees. There are similarly stamps used in commercial transactions such as bonds, cheques, bills of exchange, receipts and the like. This tax, therefore, falls upon litigation, trade and industry.

131. Excise.—Excise revenue is derived from the manufacture and sale of intoxicating liquors, opium and hemp drugs. The proceeds of this tax have increased more than 100 per cent. during the past few years. This growth is naturally regarded with grave anxiety as the habit of drink is, it is superfluous to add, one of the deadliest evils from which society may suffer. It is, however, stated that 'the considerable growth of the excise revenue in recent years is due mainly to higher rates of duty and stricter excise control and does not indicate a corresponding increase in consumption, although some increase has occurred through the expansion of population and the greater prosperity of certain classes.

* Speech introducing the Financial Statement.

Whatever it may be, nothing can be more reasonable than the demand that considerations of revenue ought to be entirely subordinated to keen solicitude for the moral, social and also the material well-being of the people, which is intimately bound up with the excise problem. The whole question of excise administration as regards alcohol, was reviewed by a committee in 1905, whose recommendations have been embodied in the Abkari Acts of the various Provinces. The subject was recently reviewed at length by the Government of India and Local Governments and the papers on the subject, have been published. The declared policy of Government with regard to alcohol "is to minimise temptation for those who do not drink, and to discourage excess among those who do. For this purpose it is endeavoured to make the tax upon liquor as high as possible without stimulating illicit practices or driving people to substitute deleterious drugs for alcohol or a more for a less harmful form of liquor."

The contract distillery system, now adopted almost throughout the country, is reported to have proved beneficial. Temperance reformers, however, want Government to take direct and vigorous measures to discourage the spread of the evil of drink and to minimise the temptations which exist, even at the sacrifice of some revenue. "The chief forms of intoxicating liquor now consumed in India are country spirit, fermented palm juice (tari or toddy), beer made from grain, country brands of rum, brandy &c., locally manufactured malt beer, and imported wine, beer and spirits. The first three are made for native consumption; the last three are mainly, but by no means exclusively, used by Europeans and Anglo-Indians."

"The revenue from intoxicating liquors is derived from two main sources: duties on the issues of liquor, and sums paid in respect of the right of retail sale

the normal excise system for country spirit, which will under present arrangements eventually prevail over the greater part of British India, is based on the grant by contract of the right of wholesale supply and the sale by auction of the right of retail vend. By these means the dangers of unrestricted competition for the supply of liquor and the attendant difficulties of proper supervision, are avoided while the largest possible proportion of the monopoly profits arising from the restrictions imposed is secured to Government.

"Spirits produced in distilleries pay a still-head duty; under the out-still system the right to manufacture and sell country spirit at a particular place is, as a rule, sold annually by auction. The revenue from country beer is derived mainly from licenses for manufacture and retail sale, while in the case of *tari*, revenue is, in Madras and Bombay, obtained from a fixed fee on every tree from which it is intended to draw the liquor, as well as from the sale of the right of retail vend. Spirits and fermented liquors manufactured in India on European lines are, generally speaking, taxed at the same rates as imported liquors and sold under similar conditions. The receipts from the import duties on foreign liquors are credited to 'Customs', but they contribute to the excise revenue through sale license fees."*

131 Customs.—The customs revenue consists of the proceeds of the import duties levied upon a variety of articles according to a fixed scale which may be modified from time to time. In Great Britain fiscal policy has long been strictly guided by the principle of free trade. The import duties levied there upon certain articles such as tea and sugar, and tobacco and spirits, are mainly for revenue purposes, and on certain articles locally manufactured as well as imported, there are corresponding excise duties if they are subjected to an import duty. The same

* Moral and Material Progress Report, 1911-12.

general policy of free imports has been applied to India in the belief that that policy is essentially beneficial to this country, while it is felt that the imposition of high import duties will be as prejudicial to the interests of the mass of the Indian people as to those of British industries and trade.

Whether Indian imports and exports should be free or should be subjected to duties for the benefit not only of the exchequer but also of the indigenous industries, is a complex subject on which there is a wide divergence of opinion and it need not to be considered in this place. Under the customs tariff, special import duties are levied on arms, ammunition, military stores, liquors, opium, petroleum, salt, tobacco and silver. General import duties at the rate of 5 per cent, *ad valorem** are levied upon a large number of articles among which may be mentioned hardware and cutlery, oils, clocks and watches, carriages, soap, umbrellas, leather, stationery and woollens. There was a general import duty *ad valorem* of $3\frac{1}{2}$ per cent. on cotton piece goods before it was enhanced in 1917 to $7\frac{1}{2}$ per cent., and a corresponding excise duty was levied on the products of Indian cotton mills. This last duty has always been regarded in India as unjust and unnecessary, and as one imposed for the satisfaction of the British free trade conscience and of the wishes of British cotton manufactures. The repeal of the cotton excise duty has been repeatedly urged upon the attention of Government, but its retention is defended as a measure necessary for the protection of the interests of the indigenous handloom weavers who, it is said, would otherwise suffer in the competition with the Indian cotton mills. Besides this, there is a moderate duty of 1 per cent. *ad valorem* on iron and steel. The free list again contains a number of articles which are exempted from duty

* *Ad valorem* duties vary with the quality and value of the articles taxed while specific duties are regulated merely by quantity or number.

altogether. There have been no considerable export duties in India except the duty on rice (including rice flour) of 3 annas per maund.

132. War Time Changes.—These tariff arrangements had to be substantially modified in 1916 and the Finance Member, introducing the financial statement for 1916-17, said:—"The war continues and we cannot go on, year after year, with uncovered deficits. We consider it essential in the present uncertain outlook to increase our revenue resources in order to make good the anticipated Imperial deficit of the coming year and also to supply a substantial surplus." He proposed to raise a sum of about £ 2·1 million by new and enhanced customs duties.

The general import tariff which has been at the rate of 5 per cent. *ad valorem* since 1894, was raised to $7\frac{1}{2}$ per cent. *ad valorem*, with certain exceptions, the duty on sugar being raised to 10 per cent. The free list was curtailed, and some articles which were free, had to pay duty and those which were subjected to low rates had the duty on them enhanced. The question of the cotton import duties was not raised, as Government thought that it would cause bitter controversies, and it could be more conveniently considered at the close of the war when the fiscal relationship of the parts of the empire would be reconsidered. Export of tea was taxed at the rate of Rs. $1\frac{1}{2}$ per 100 lbs, and an export duty was imposed also on jute, raw and manufactured. When Government decided to make a war contribution of 150 crores to the Imperial Government, they found it necessary, in 1917, to raise the import duty on cotton goods from $3\frac{1}{2}$ per cent. to $7\frac{1}{2}$ per cent, the excise duty remaining at $3\frac{1}{2}$ per cent. as before. Lancashire raised a storm of opposition against this enhancement of duty which, it was contended, would place the British mill-owners in a position of disadvantage in the Indian market. Mr. Austen Chamberlain, the Secretary

of State for India, strongly defended it as a war measure calculated to enable India to make a gift to England.

The 'Other heads' in the statement of revenue, include Provincial Rates, Assessed Taxes, Forests, Registration and Tributes from Native States. Now, to take these in order. The contribution of what are called provincial rates to the general revenues is very small and has materially dwindled within the last few years, because since 1904-05, many cesses levied under that head have been abolished. This revenue is made up chiefly of the cess on lands levied in Bengal for roads, schools, dispensaries etc. The funds raised by local boards for local purposes have now been excluded from the Imperial accounts. The revenue from this source dropped down from £551,071 in 1912-13 to £27,900 in the budget for 1913-14. The explanation† of this is that from the latter year the Government of India decided to make assignments to Local Governments to enable them to forego the amounts which they appropriated for provincial use from the cess on land. In pursuance of the policy of developing and encouraging local self-government, the Government of India made over the proceeds of the cesses to local bodies and made good the loss of the Provinces by assigning to them a revenue amounting to 79½ lakhs of rupees. The revenue under this head is estimated at £27,600 in the budget for 1917-18.

133. Income Tax.—As regards Assessed Taxes, since 1859 a tax upon income in one form or another has always existed in India and changes in its nature and rate have been made from time to time. Before 1886 under local Acts various licenses were required for the exercise of trades or industries. But by the Income-Tax Act of that year, which was made applicable to the whole of India, it was provided that all incomes from salaries and pensions or from interest on securities, if amounting to Rs. 2,000 per annum, were to pay 5 pies in the rupee ;

† Sir G. F. Wilson's speech introducing the Financial Statement for 1913-14.

that incomes less than Rs. 2,000 were to pay 4 pies. Companies were to pay 5 pies in the rupee on their net profits and incomes under Rs. 2,000 derived from other sources were to pay according to a graded scale from Rs. 20 on an income of Rs. 1,000 to Rs. 42 on Rs. 1,999 and 5 pies in the rupee on incomes of Rs. 2,000 and upwards. An amending Act of 1903 substituted Rs. 1,000 as the taxable minimum in place of the former limit of Rs. 500. Incomes from land or agriculture are exempt from the tax. In the case of military salaries the taxable minimum is Rs. 500 a month.

In 1916, some important changes were made in these arrangements. The old exemptions were left untouched and no alteration was made in the taxation of persons whose incomes, official or private, were less than Rs. 5,000 per annum. But in the case of salaries and pensions and incomes derived from sources outside profits of companies and interest on securities, the tax was enhanced to 6 pies in the rupee on incomes from Rs. 3,000 to Rs. 9,999, to 9 pies on incomes from Rs. 10,000 to 24,999 and 1 anna in the rupee on incomes of Rs. 25,000 and upwards. Profits of companies were to be assessed at the 1 anna rate and interest on securities was to be taxed at the same rate.

In the budget for 1917-18 a further change was effected. It was proposed to supplement the ordinary income tax by a super-tax on the largest incomes, such as has been in force in England for years past. That is, the ordinary rates of income tax were to remain unchanged, but people having incomes in excess of Rs. 50,000 per annum were to pay a super-tax in addition. The Finance Member desired to levy the additional burden on the shoulders of the rich who were best able to bear it. The super-tax began in respect of incomes exceeding Rs. 50,000 and was levied according to an ascending scale from 1 anna per rupee to 3 annas per rupee, on incomes over Rs. $2\frac{1}{2}$

lakhs. The income tax was estimated to yield £5,109,300 in 1917-18 as against £ 3,568,100 in 1916-17, and £ 2,990,109 was the actual amount realized in 1915-16.

Forest revenue is derived almost entirely from the sale of timber and other forest produce. Till a separate Forest Department was created in 1861, no steps had been taken to preserve the Indian forests, but since then this valuable State property has been vastly improved, and though it is awowedly administered for the benefit of the people rather than for raising an immediate large income, the Department has become a fruitful source of profit to the Government as may be seen from the fact that during the last few years forest revenue has increased nearly 70 per cent. The systematic conservation of the Indian forests is based on the Forest Act of 1878 which gave the Government powers of dealing with private rights in the forests of which the chief proprietary right is vested in the State. The budget for 1917-18 estimates the revenue from this source at £ 2,246,700.

134. Other Heads of Revenue.—The next item of revenue is registration and consists of the fees that are charged *ad valorem* for registration and for searching records. There are officers in every district for the registration of documents and for making copies thereof. The registration of certain documents is compulsory or necessary to the validity of the deed and that of others is optional. Under the first category come all deeds transferring immovable property, which comprise the great majority of all registrations. Receipts from the Registration head are expected, in the budget for 1917-18, to yield £ 554,300. Lastly, the tributes and contributions from Native States constitute a small source of revenue and are often due to exchanges of territory or settlements of mutual claims, but they are chiefly in lieu of former obligations to supply or maintain troops. It is estimated that they will amount to £ 617,000 in 1917-18.

Going on to the succeeding heads of revenue, we first come to 'Interest,' the sources of which are loans, advances and investments here and in England. This head calls for no remarks. The Government is a great banker, and it both lends and borrows. The Post Office and Telegraphs are mainly intended for the convenience of the public and not for profit. The operations of the two, which have now been amalgamated, have been steadily extending and growing in volume and they leave a small margin of profit to Government every year. Then the revenue represented by the word 'Mint', is not, as is likely to be supposed, derived from profits on the coinage of rupees, these profits being transferred to the Gold Standard Reserve which is maintained to ensure the redemption of the silver rupee when it is necessary for foreign remittance.

The mint receipts are made up of a percentage on the value of new rupees coined as also the profits on the circulation of bronze and nickel coinage and fees received from various quarters for undertaking coinage. Receipts by Civil Departments include receipts in the Judicial, Police, Educational, Medical, Agricultural and other Departments and amounted, in 1915-16, to about £ one million and a half. The head entitled Miscellaneous, covers receipts in aid of superannuation, receipts from the sale of stationery and Government publications &c., and exchange. The revenue item on account of exchange, represents the difference between the statutory value of the rupee, viz. 16d. which is the basis of calculation and the actual rate obtained for the remittances that are made to England to defray the net expenditure there. The average rate is usually something over sixteen pence to the rupee.

135. Railways and Irrigation.—It is only during the past few years that the Railways have become a source of net profit to the State. Since 1904-05, the

average gain from the working of the Railways exceeded, for many years, Rs. 3 crores per year. After the outbreak of the war, expenditure on railways was cut down and the net proceeds consequently increased, reaching the figure of 10 crores in 1916-17. This revenue must depend more or less upon the character of the monsoon which directly affects the volume of the rail-borne trade. A detailed account of Railway and Irrigation works will be given in a subsequent chapter. We are concerned here mainly with their financial aspect. On both these works borrowed money is expended every year for their expansion, and for the railways and more important irrigation systems separate capital and revenue accounts are kept.

The net profit to the State from the Railways, after meeting all charges for interest on capital, annuities for the purchase of lines from companies, shares of surplus profits payable to companies &c, came, in 1910-11, to a little more than £ 3 million and in 1911-12 to £ 3,787,770. In the revised estimates for 1912-13 the amount put down was £ 5,516,100 while the budget for 1913-1914 calculated upon a net profit of £ 4,582,300. The amount calculated for 1917-18 was about £ 6,106,000. In the statement of revenue on a preceding page, charges on account of interest on debt etc. are not deducted, the latter being shown on the expenditure side. The figure of net railway receipts for 1917-18, for instance, is thus arrived at:—

State Railways (gross receipts)	... £ 41,839,200
<i>Deduct</i> Working Expenses ...	... £ 20,900,000
<i>Deduct</i> Surplus profits paid to companies &c....	... £ 7,80,000
	<hr/>
Net Receipts...	£ 20,159,200
Subsidised companies	... £ 93,800
	<hr/>
Total ...	20,253,000

We shall get the *net profit* £ viz, 6,106,000 if the interest and other charges such as annuities etc. amounting to about £ 13½ million, are further deducted.

The revenue receipts from Government irrigation works, which are highly remunerative, are derived almost entirely from the charges made for water or for water advantages which depend not on the volume of water supplied, but on the kind of crops cultivated and on the areas actually or ordinarily cultivated. The system of collecting this revenue varies in the different provinces. The total receipts from Major and Minor works were £ 4,713,159 in 1913-14 and the revenue estimated for 1917-18 is £ 5,125,300. The net profit from irrigation works must be arrived at in the same way as in the case of railways viz, after deducting working expenses and interest charges. For 1917-18 the profit is estimated at a little more than £ 2 million. Revenue from 'Other Public Works' represents rents and proceeds of the sales of buildings and similar miscellaneous receipts. Military receipts are the amounts received as the results of the sale of military stores, clothing, dairy produce, animals &c. Such receipts do not form an important part of the Indian revenues.

The revenue of the Government of India is classified as taxation-revenue and non-taxation revenue. A 'tax' has been defined as 'a compulsory contribution of the wealth of a person or body of persons for the service of the public powers.'^{*} In the category of taxation-revenue, comes revenue from salt, stamps, excise, customs, income tax and registration, while land revenue, forest,† produce, tributes from Native States and the revenue derived from commercial services such as the Post Office

^{*}Bastable.

† For discussion as to whether land revenue is a tax or not, see next Chapter on Land Revenue

and Telegraphs, come under the second head. Taking net revenue, we find that the various taxes contribute between them about 43 per cent. of the total received by the Indian Government. The incidence of taxation per head of population may be found by dividing the total amount of tax-revenue (including land revenue) by the number of people in British India. By this process of calculation we get the figure 3s. 8-9d. for the year 1914-15. Taking the budget figures for 1917-18 and assuming an annual increase of population at the rate of $\frac{1}{2}$ per cent., the average taxation per head of the population we arrive at, is about 4s.

136. Interest Charges.—Turning now to the heads of expenditure, we have, first of all, what are called the 'direct demands on the revenues' which are taken at £ 10 million for 1917-18. This head includes refunds and drawbacks, assignments and compensations paid in lieu of lands &c., and charges in respect of the collection of land revenue and revenue under the heads opium, salt, stamps, excise, customs, forest &c., and the charges being incurred on account of salaries to officers and of their establishments &c. The next item on the expenditure side is interest on ordinary debt and other obligations. The total debt is classified in the Accounts as (1) Public Works Debt and (2) ordinary Debt. The amount entered as belonging to the former category, is the equivalent of the total capital expenditure which has been incurred by the State on Railways and Irrigation Works, including the amount advanced to Railway Companies for capital expenditure, and the interest on this portion of the debt is charged under Railways and Irrigation. The ordinary debt consists of the difference between the total debt in existence and the amount entered as Public Works debt. The total debt of India amounted, on 31st March, 1916, to £ 286,145,008 (*viz.*:-Rupee debt, converted into sterling at 1s. 4d. the rupee, £ 103,

973,179, and sterling debt, £ 182,171,829); and the bulk of it has been incurred for Railway and Irrigation Works. It is, therefore, productive debt; the 'ordinary' or unproductive debt, has been very small, being steadily reduced by a sort of sinking fund arrangement. There is, besides, temporary debt consisting of savings bank deposits, Service funds etc. The war debt of Rs. 150 crores is an addition to the 'Ordinary' or unproductive debt and is a contribution made by India towards the expenses of the war. The amount of £ 6,832,800 entered in the table on page 253 against interest is thus obtained :—

Budget, 1917--18		£
Total payment for interest on debt :—		15,578,000
<i>Deduct</i> amount chargeable to Railways—		8,132,700
<i>(included under Railways)</i>		
<i>Deduct</i> amount chargeable to Irrigation—		1,526,200
<i>(included under Irrigation).</i>		
Remainder chargeable on Ordinary Debt.		5,919,600
Interest on other obligations (Savings Banks Balances, Service Funds &c.)—		913,200
Total		6,832,800

137 Civil Departments. The two next items viz. Posts and Telegraphs and Mint call for no remark. The expenditure on civil departments has been steadily growing, there being an increase of 76 per cent. during the 10 years, 1901-1911 and of 38 per cent. between 1911-12 and 1917-18. The charges for the several departments are exhibited in the following table:—

		1911-12.	1917-18 (Budget).
		£	£
General Administration ...	2,626,241		2,056,900
Law Courts and Jails ...	3,247,714		4,504,600
Police ...	4,480,239		5,726,600
Ports and Pilotage ...	29,653		195,300

	£	₹
Education ...	1,815,579	3,623,400
Ecclesiastical ...	124,488	142,500
Medical and Sanitation ...	1,088,643	1,579,100
Political ...	968,158	1,853,200
Scientific and Minor Departments*	847,020	1,238,800
Total ...	15,228,035	20,920,400

The charge for general administration represents the cost of the whole civil administration down to the grade of Commissioners of Divisions. Under that head are included charges on account of the India Office and of the Viceroy, the Governors, Lieutenant-Governors and Councilors in India. The large figure under General Administration in 1911-12 was mainly due to the special provision for civil expenditure in connection with the Coronation Durbar. The increase of more than £ 1½ million in four years on education is noteworthy, though in view of the importance of the object, it is very small, and had it not been for the War, the expenditure on this head, would perhaps have shown a larger increase.

138. Famine Relief.—The next item of 'miscellaneous civil chargers' is made up of civil, furlough and absentee allowances, superannuation allowances and pensions and stationery and printing. Before the famine of 1876-78, no special measures were taken to meet the financial obligations imposed by the periodic recurrence of famine. But the experience of those years of stress convinced Government of the desirability of providing an annual sum of Rs. 1½ crores for the purposes of 'famine relief and insurance.' Since

* Includes Agriculture, £ 708,698 being put down for 1917-18. The growing importance of Agriculture has now led Government to show the expenditure incurred on that head, separately in their accounts.

that time this amount has been regularly appropriated for the above purpose. Direct famine relief, whenever it is wanted, is a first charge upon that sum. When this outlay is less than the sum appropriated, the balance is used (1) for the construction or maintenance of protective railway and irrigation works, and (2) for the construction of productive public works, which would otherwise require additional borrowing. The amount used for the last-mentioned purpose is shown under the head of "Reduction or Avoidance of Debt." The budget for 1917-18 distributes the amount thus :—

Direct Famine Relief	...	...	29600
Protective Railways	...	...	502
Protective Irrigation Works	...	...	420,000
Reduction or avoidance of debt	...	...	550,900
<hr/>			
Total	...	...	1,000,000

Under the arrangements initiated in 1907, expenditure on famine relief has been borne partly, if not entirely, by Imperial revenues. The scheme then introduced enabled each Local Government whose Province was liable to famine, to build up gradually a fund to be held to its credit by the Imperial Government, on which it was at liberty to draw when expenditure on famine relief became necessary. For this purpose the Local Governments in question were annually credited with fixed sums. When famine occurred, the Local Government was entitled to draw upon the amount standing to its credit to meet its famine expenditure, and charges thus incurred were shown in the accounts of the Government of India as Imperial expenditure. In the event of the amount at credit being exhausted owing to widespread or severe famine, any further expenditure on famine relief was shared between the Government of India and the Local Government, either equally or in

such proportions as might be determined when the circumstance arose.*

This system was, however, found to be confusing and unworkable, and now has been abandoned. A new scheme was brought into force from 1st April, 1917, under which famine Relief became an ordinary divided head, the Imperial share being taken in each province at three-quarters and the Provincial at one-quarter, a distribution, which represented approximately the assistance which Imperial revenues actually gave in the long run towards famine expenditure under the old arrangements.† We shall deal with the subject of famine at greater length in the last Chapter.

Expenditure on Railways shown in the statement, includes interest on debt, annuities in purchase of Railways &c. Irrigation expenditure consists mainly of the working expenses of Major Works and expenditure on Minor Works and Navigation. The other Public works expenditure is mainly the outlay on roads and buildings and is mostly incurred by Provincial Governments. The outlay in any year depends, to a large extent, on what those Governments can afford to spend, and in times of stress, it can be reduced more easily than other forms of expenditure.

The item of military services does not call for any remark. The 'Provincial Adjustments' shown at the bottom of the statement of Expenditure on page 253, however, require a word of explanation. They are accounted for by the practice, followed by the Government of India, of transferring to the Provincial balances, held by that Government, or making good from those balances, as the case may be, any surplus or deficit resulting from the Provincial operations of the year. The adjustment

*See speech of Mr. Baker in introducing the financial statement for 1907-08

†See speech of Sir William Meyer in introducing the financial statement for 1917-18.

leaves the two sides of the account—Imperial and Provincial—in the relative position in which they would have stood had the provincial transactions been altogether excluded.

139. Home Charges.—Out of the total expenditure of India in this country and in England, the expenditure in England, chargeable on the revenues of the year, amounted, in 1915–16 to £ 20,10,9,024 and is estimated for 1917–18 at £ 26,026,000. These charges annually incurred in England on behalf of India, are called ‘Home Charges’. Their general character will be apparent from the following figures for 1913–14.

Statement of expenditure on account of India in
England for the year ended 31st March, 1914.

				£
Direct Demands on the Revenues:				
Charges in respect of collection	...	115,254		
Interest:				
Interest on Debt, other than that				
charged to Railways and Irrigation Works	...	...	...	2,087,644
Post Office, Telegraph and Mint	...	...	...	278,392
Salaries and Expenses of Civil Departments	...	...	...	461,467
Miscellaneous Civil charges	...	...	...	2,667,830
Famine Relief and Insurance (Stores)	...	...	...	16,898
Railways	...	...	...	9,000,098
Irrigation and other Public Works	...	...	...	221,023
Military Services	...	...	...	5,462,817
Total Expenditure charged against				
Revenue	...	...	...	£ 20,311,873

The bulk of the expenditure, it will be seen, is in respect of payments on account of capital and materials supplied by England, and the remaining has reference to

the maintenance of the India Office, allowances and pensions to civil and military officers and so forth.

140. Bills and Gold Reserve.—The Home expenditure is not defrayed by the actual remittance of the amounts from India but by the sale by the Secretary of State, of Council bills (or telegraphic transfers) or *Hundies* which have a great demand in England, because it is through them that British merchants and bankers can conveniently make payments in India for the normal excess of Indian exports over imports. The sale of Council bills is not, however, limited to the needs of the India Office, but is usually much in excess of them.

On account of the continuous depreciation of the price of silver and the consequent confusion and loss caused to the Government of India, the price of the rupee was artificially fixed at 16d. and the mints were closed to private coinage in 1893. The Government of India has to make its payments in England in gold and as the price of silver went down, it had to pay more in proportion. This difficulty was removed by the fixity of exchange brought about, as above indicated, in 1899. When Government coins new rupees, as it has to do almost from year to year to maintain a steady and adequate supply of the metallic currency, the difference between the artificial or face value of the rupee and the value of the silver it actually contains, is set apart as a kind of reserve fund called the Gold Standard Reserve Fund.

The total amount of this reserve including receipts on account of interest, now amounts to more than £ 30 millions and a large part of it is invested in securities. The Reserve Fund is intended to enable Government to support exchange in times of emergency when the balance of trade goes against India. The Reserve proved a tower of strength to the Indian Government who borrowed large

sums from it to weather the financial storm raised by the War. It thus indirectly, and to a certain extent, even directly served the main purpose for which it was desinged.

141. Capital Transactions.—Besides the ordinary revenue and expenditure of the Government of India, there are financial transactions of another kind which deserve notice. For the construction of railways and irrigation works funds are annually borrowed in England and also in this country. The amounts thus provided, go to increase our productive debt, year after year, but the Indian revenues benefit to a large extent by the profits earned by these works. This capital outlay on railways and irrigation works has had to be cut down on account of the war. Raising of loans in England as usual was impossible. The loan raised in India in 1917, was a special War Loan, and it was a splendid success. The subject of the debt incurred for financing public works will be dealt with in Chapter XVI.

The following figures illustrating India's present position with respect to its Public Debt will, we trust, not fail to be instructive.

[In Millions of £]

	Ordinary Debt.	Productive Public Works Debt.			Grand Total of Debt (columns 1 & 4)
		Railways.	Irrigation.	Total	
	1	2	3	4	5
On 31st March					
1888 ...	73.0	59.2	17.3	76.5	149.5
1895 ...	63.0	91.0	19.3	110.3	175.3
1898 ...	70.0	106.0	21.7	127.7	197.7
1903 ...	59.1	128.1	24.8	152.9	212.0
1908 ...	37.4	177.7	29.9	207.6	245.0
1913 ...	25.0	211.8	37.6	249.4	274.4
1914 ...	12.8	222.0	39.4	261.4	274.2

142. Financial Control.—It need not be repeated here that the financial administration of India, is subject to the control of the Secretary of State and the India Council and that the Government of India and local Governments are authorized to sanction new items of expenditure within limits laid down in the standing rules approved by the Secretary of State in Council. Any expenditure exceeding these limits requires the specific sanction of higher authorities. In view of the recommendations of the Commission on Decentralization regarding the enhancement of the powers of sanction enjoyed by local Governments, the Government of India issued a Resolution, dated 24th July 1916, prescribing definite rules in the matter. It is stated therein:—"The Financial powers of the Provincial Governments are subject to the supervision and control of the Government of India; and a Provincial Government is bound to observe any general or specific instructions which the Supreme Government may issue from time to time in the exercise of its powers of supervision and control."

The procedure followed in the matter of the Financial Statement and the Budget in the Imperial and Provincial Legislative Councils, has been described in another Chapter and need not be referred to here again. The administration of Imperial and Provincial finance is under the control of the Finance Department of the Government of India with the Finance Member at its head. Though the management of the divided heads of revenue is vested in the Local Governments, it is supervised by the Finance Department which directly controls the expenditure in connection with Imperial items and administers the Mint. The Department deals likewise with questions connected with salaries, leave and pensions of officers and with currency and banking. The financial administration of the Army is entrusted to a separate branch of the Department.

143. Accounts and Audit.—The Accounts Department manages the civil accounts of both the Supreme and the Provincial Governments and has at its head the Comptroller and Auditor General in whose office all the accounts of the country are brought together and compiled. The accounts of the Local Governments are kept by the Provincial Accountants-General who also look to the accounts of Imperial receipts and expenditure within the provinces. Each district has a treasury at the head-quarters where revenues are received and local payments made. It is the duty of the account officers to see that no payment is made except upon proper authority, and a further check is provided by the supervision of the staff of the Comptroller and Auditor General.

The following account of the functions and organization of the Finance Department is given by the Islington Commission:—

“ The main function and organization of the Indian Finance department is to bring to account and audit the expenditure of all branches of the civil administration. It has also to deal with questions relating to paper currency, loan operations, and coinage. The Financial advice required by Local Governments and administrations is, in the main, supplied by their own Financial secretaries and Financial secretariat establishments, but the accounts officer of the province is also referred to when necessary and especially in regard to questions of expenditure when it is doubtful whether the Local Government has or has not full power of independent sanction. The heads of civil accounts offices also act as treasurers of charitable endowments and are responsible for the custody of most of the securities taken from Government servants throughout India. The accountant general of each province is also responsible for the movements of funds from one treasury to another and for the check by local inspection, performed by officers of the department working under him of the accounts of local bodies such as port trusts, municipalities and local boards.”

“ The department is under the direct control of the Government of India, and officers of the superior staff are liable for employment in any part of India or Burma. At the head of the department is the comptroller and auditor-general. Its superior staff numbers 172 officers, including in the higher ranks the controller of currency who is directly responsible to the Government of India, and nine accountants-general. The office of controller of currency was recently created for the purpose of relieving the comptroller and auditor general of the currency and finance work which he has hitherto discharged in addition to his primary duties as chief officer of account and audit. Of the nine accountants-general

seven are employed as chief accounting officers in the larger provinces and two are in charge of the railway accounts section and the postal and telegraph accounts section respectively. The department is not divided into imperial and provincial branches. Below the superior staff there are 34 officers, designated chief superintendents and chief accountants receiving salaries ranging from Rs. 450 to 750 a month whose position in relation to the superior staff of the department is equivalent to that of a provincial service in departments which were so divided."

The Indian system of treasury business, accounts and audit, differs fundamentally from the system prevailing in Great Britain. In India, on account of the vastness of the country, treasuries are scattered all over the districts, and in England the revenues are remitted to one central bank. Accounts are submitted to the Indian Finance Member monthly: the British Chancellor of the Exchequer can have the account of the national income and expenditure every day. The Indian Finance Member has not the same control over revenue collection as his brother in England. In England the whole system is centralized: in India it is local and decentralized.

The Comptroller and Auditor-General in England is independent and is a judicial officer. He has great powers over the disbursements of the various departments. In India he is a civil servant and his duties are mixed, being partly executive and partly of audit. The appropriation account he submits every year, is not examined and supervised by an independent body as is done in England by the Public Accounts Committee of the House of commons.* The question of making the Auditor of accounts in India more independent as in England and of subjecting the audit to greater control, was considered by the Welby Commission, which was, however, divided in opinion as to the necessity of the reform. Government also opposed the change on the ground of the additional expenditure it would involve.

* E. Hilton Young ; The System of National Finance, page 150.

CHAPTER XI.

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LAND REVENUE.

CONTENTS.

144. In Old Times. 145. End of 18th Century. 146. Tax or Rent? 147. The Correct View. 148. Different Tenures. 149. Three Kinds of Settlement. 150. Development of Policy. 151. Record of Rights 152. Share of the State. 153. Permanent Settlement. 154. Limitation of State Demand. 155. Suspension and Remission. 156. Tenancy Acts. 157. Conclusion.

144. In Old Times.—The land tax is the most fruitful, though by no means a rapidly growing, source of income to the State in India, and contributes about 33 per cent. of the total net revenue of British India. This method of raising revenue, viz. taking from the cultivator of the soil a certain share of the produce of the land cultivated, seems to have been in vogue in this country even in very early times. A sixth part of the gross produce was taken as the portion of the ruler and it was often raised to one-third. The system of collecting land revenue in kind from each cultivator must have obviously proved inconvenient and the cash system was introduced in its place. The share of the State in the produce of every field could not also be left to be determined at each harvest, and some definite measure or rate must have been laid down in each case.

Under Akbar an elaborate system of land revenue administration was introduced, lands were surveyed and classified, the average productive capacity of the different fields was ascertained by careful calculation and the State demand for each field was fixed, to be altered according to

exigencies. This land revenue settlement was by no means permanent, and fresh assessments could be made from time to time to suit the varying conditions. Such a system of assessment, settlement and collection of land revenue requires for its success a strong central government and an efficient administration in the districts. But the disturbed conditions which prevailed in India throughout the latter part of the 17th and the whole of the 18th century, disorganized the arrangements in connection with land revenue, and farming was extensively resorted to. At the outset, the revenue farmers were subjected to a variety of checks and were controlled by the central authorities so that chances of rack-renting and oppression were largely minimised.

But with the relaxation of the control of the Government, which was inevitable in times of war and confusion, the revenue farmers became powerful and independent. 'As the authority of the Emperors grew less and less, so the local Governors of Bengal, Oudh &c. became more and more independent of the Court of Delhi; but they also became more careless of the details of administration and as usual, when bad government is rife, the treasuries became empty; and then the revenue farmers were the only persons who could be looked to for money. They naturally felt that they were indispensable, and enlarged their pretensions accordingly. They were left more and more unchecked, and the sums they had to pay became more and more a matter of bargain. The official organization for land revenue control disappeared or was only retained in name and quite under the Zamindar's (Revenue Farmer's) influence. The Zamindars, in fact, did just as they pleased, and made the villagers pay whatever they demanded or whatever they could extract from them.'*

* Land Revenue in British India by B. H. Baden-Powell.

145. End of 18th Century.—Baden-Powell thus summarises the position with reference to land revenue at the end of the 18th Century. "In Bengal (and the same is true of other parts when districts came under British rule), the land revenue had for generations past been levied in cash payments; its assessment (often by contract for the year) was determined on no known principle. All traces of a share in the produce, and the valuation of that share in money, had long disappeared. The sum actually paid into the Treasury was just as much of the total collections as the Zamindar could not avoid paying. The sums received through the petty estate-holders or through the village headman from the cultivators were levied at certain rates spoken of as 'pargana rates'. They were supposed to be rates fixed at the last formal assessment but modified by those subsequent compromises of which I have spoken. But these rates varied from place to place and were levied with various additions and impositions as the Zamindar chose or was able to levy."

Zamindars, such as those recognized by the British Government in Bengal, as full proprietors of the bulk of the land there, had not secured a strong hold elsewhere except in parts of the North Western Provinces and of Madras. Various forms of land tenure prevailed in the other provinces differing from one another in material respects, and the development of the present systems was a work of years and continuous and strenuous labour. No one description will answer to the land revenue system and administration of British India and it has therefore been characterized as 'a sort of mysterious craft which no outsider could presume to understand.' It may be generally said that the land revenue assessment is based either upon certain rates levied in the past and enhanced and calculated from time to time on a consideration of

the rise in prices and such other circumstances or, where there are landlords and tenants, on the rates which tenants are found actually to pay, 'To put it more shortly, modern land revenue is either an empirical but nicely graduated rate per acre of each kind of soil, or it is a fraction of the actual rental assets of an estate treated as a whole.'

146. Tax or Rent ?—The question whether land revenue is a 'tax' or a 'rent' has been much debated, and there is a sharp difference of opinion on the subject. It is contended that in pre-British days, the ruler used to take from the cultivator, with whom he dealt directly, the whole economic rent of his land; and that the British Government having stepped into the place of the proprietor, became entitled to the economic rent.

To bring out a marked distinction between the Indian land tenures and those of other countries, it is pointed out that whereas in most countries the land revenue is an assignment from the rent made by the land-owners to the Government, in India the net rent is historically speaking, a relinquishment of a part of the profits of land by the Government to the land-owners. In the Rayatwari or temporarily settled districts, the Government deals direct with the cultivators and claims from them in its capacity of the proprietor the rent which would otherwise go to the private land-lord if there were one. Even where there are intermediaries between the Government and the cultivators, those Zamindars are only allowed to collect the rents and when paying the proceeds to the State, to retain a small proportion for their own use which may be regarded as fees or perquisites rather than as rent in the proper sense of the word.

Baden-Powell does not favour this theory and observes that the British Government has everywhere conferred or recognized a private right in land, and in large

areas of the country it has expressly declared the proprietary right of the land-lords and the village owners. These land lords cannot be regarded as tenants of the State, and the revenue they pay to it, cannot be called rent. The Government does perform certain functions of a land-lord and its claim to revenue from land is inexpugnable, subject to the right of the cultivator to occupy and dispose of his land in any way he chooses.

It is this fact that has lent colour to the rent-theory. Baden-Powell states that 'practically, the discussion is a profitless war of words, and we may be content to speak of the land revenue as a thing *per se*. It *operates* as a tax on agricultural incomes—a contribution to the State out of the profits of land-cultivation, just as the income-tax is a contribution out of the proceeds of other industries and occupations.' The Government does not claim to take the unearned increment or the whole of what remains after the wages of the labour or cost of cultivation and profit of capital have been accounted for and even in the temporarily settled lands, the land revenue charge is more of the nature of a tax on agricultural incomes.

147. The Correct View.—This is the most reasonable and the proper view to take of the revenue from land obtained by Government. It is not, again, a matter of mere academic interest as is likely to be supposed; it has a vital bearing on the economic condition of the people and the land revenue policy of the State in India. There are authoritative declarations made on this question emphatically repudiating the doctrine of State proprietorship and affirming the principle that the land assessment is revenue and not rent. The Government of India itself has declared that 'it has been one of the great objects of all the successive Governments of India since the days of Lord Cornwallis, if not to create property in land, at all events to secure and fortify and develop it to the utmost.'

The Government undoubtedly is the owner of a first charge, the amount of which is fixed by itself on the produce of all revenue-paying land in India; but over the greater part of the Indian Empire, it is no more the owner of the cultivated land than the owner of a rent charge in England is the owner of the land upon which it is charged. In spite of these emphatic declarations, the tax theory is often put forth and used in practice to defend the action of the State in periodically raising the land tax, in limiting the proprietary right of the rayats and in introducing the restricted or non-alienable tenure in this Presidency and the Punjab.

If the theory of State land-lordism is accepted, "two results will legitimately follow :—(a) the land-lords will sink into the position of a merely superior kind of tenants and (b) the Government will be justified in demanding as its revenue the whole of the economic rent.* " Should the rent theory, unfortunately, even come to obtain general concurrence and govern our land revenue administration, it must follow as a logical '*sequiteur*'—as pointed out by the late Lord Salisbury in his weighty minute on Indian land revenue dated 29th April, 1875—that Government is in strictness, entitled to all that remains of the produce of the soil after the wages and profits are paid, and the aim of the land revenue policy of the State would be to continually force up the assessments to the highest pitch attainable, leaving the cultivator little more than a bare subsistence, if even that much.'**

148. Different Tenures.—It has been said above that there is an infinite variety of land tenure in India, and the existing landlord rights and other rights in land have been acquired by their possessors in a variety of ways. During the last century the British Government

* Study of Indian Economics ; Prof. Pramathanath Banerjee.

* Hon'ble Mr. G. V. Joshi's Speeches, Page 574.

has closely scrutinized the title and the status of the holders such as the Zamindars of Bengal and northern parts of Madras the Talukdars of Oudh and Gujarat, Jahagirdars, Watandars, Inamdars, Khots, Pollegars, Malguzars and Tenants and Sub-tenants, and their position and rights have now been definitely established, in many cases, with the help of legislation.

The proprietary rights in land are vested in varying degrees in Government, land-lords and cultivators. Thus in many cases the State is the direct owner of lands. *c. g.* waste lands, forest lands etc. In the rayatwari parts of British India *viz.*, Madras and Bombay, the cultivator is really the proprietor, subject to the obligation of paying revenue to the Government. In the United Provinces and the Punjab where the State deals with landlords or groups of landlords, the latter are the proprietors a share of whose net rent is taken by Government. Then in the Zamindar of Bengal, we have a typical example of a proprietor who stands between the State on the one side and the actual cultivator on the other. In his place there are sometimes two grades of proprietors instead of one and in certain cases sub-proprietary rights have also been recognized by Government.

149. Three Kinds of Settlement.—With the nature of the land tenure, and determined by it, is bound up the form of settlement, as also the method of assessment. Three principal species of settlement may be distinguished, and to these three classes may be assigned the various kinds of settlement prevalent in the different parts of the country : (1) Settlement for single estates under one landlord. In this category are included the settlement with Zamindars, *i. e.* the Permanent Settlement of Bengal and North Madras ; the settlement (temporary) in Bengal of estates and districts not subject to the Permanent Settlement and the settlement with Talukdars in Oudh. (2) Settlement

of estates of proprietary bodies, usually village communities. These are called 'Mauzawar' or 'Mahalwar' settlements. This class includes the settlement of the United Provinces of Agra and Oudh (including Oudh for villages that are not under Talukdars); settlement of the Central Provinces called the 'Malguzari' settlement; and settlement of the Punjab; (3) settlement for individual occupancies or holdings, which class comprises the Rayatwari systems of Bombay, Madras and Berar and certain special systems of Burma, Assam and Coorg.

But there is a better known and more convenient classification of the settlements *viz.*, the 'Permanent' or *Zamindari* and the 'temporary' or *Rayatwari*: "When the revenue is assessed by the State, permanently or temporarily, on an individual or community owning an estate and occupying a position identical with, or analogous to that of a landlord, the assessment is known as *Zamindari*; where the revenue is imposed on individuals who are or who represent the actual occupants of holdings, the assessment is known as *Rayatwari*. Under either system there may be rent-paying sub-tenants. In Southern India, where most of the land is held by petty occupiers direct from the State, the occupiers have the right to retain their holdings so long as they pay the revenue due from them. In both the permanently and temporarily settled districts of Northern India, laws have been passed to safeguard tenant rights. The permanently settled districts, in which all holdings are *Zamindari*, cover most of Bengal and parts of Madras and United Provinces. As regards temporarily settled districts, *Zamindari* estates, held by proprietary groups or large individual proprietors, are chiefly found in the Punjab, the United Provinces, the Central Provinces and Orissa while in Bombay and Sind, Burma, Assam, Berar and most parts of Madras, the system of *Rayatwari* or peasant proprietors, prevails."*

* Moral and Material Progress Report, 1910-11.

150. Development of Policy.—The above distinctions arise (1) from the varying status of the person from whom the revenue is actually demanded. Another broad principle of distinction may be adopted in classifying lands (2) according as the revenue is permanently fixed or is fixed for a period of years only. The permanent and unalterable settlement of land revenue in Bengal and north Madras was associated with the recognition of the Zamindar's right of proprietorship. But this was a mere coincidence. A Zamindari settlement need not necessarily be permanent nor is a temporary settlement only with tenants *i.e.* people who are not proprietors. There is really no difference between the position of a Zamindar and that of a Rayat in temporarily settled tracts. Both are equally proprietors of their lands and the Rayat may have tenants under him actually cultivating his land.

In 1793 the assessment in Bengal was declared to be fixed in perpetuity, and the settlement then made, with some subsequent additions, constitutes what is known as the Permanent Settlement of Bengal. The disturbed condition of that province, the urgent need of revenue and the difficulty of evolving order out of the chaos, led Government to recognize the Zamindars as actual proprietors, and the revenue was permanently fixed to stimulate them to improve their lands and thus get larger profits out of them by careful and extended cultivation. This system was shortly afterwards extended to the Benares districts, now in the United Provinces, and to certain portions of the Madras Presidency. In this way areas making up altogether about one-fifth of British India came to be permanently settled.

In the remaining areas assessments are fixed for a period of years, the ordinary term being 30 years in Bombay, Madras and the United Provinces and 20 years in the Punjab and Central Provinces. As the servants of the Company studied the revenue system of the country more and more they thought that methods different from those adopted in Bengal might be followed with advantage

to the State, in settling the land revenue. And the social and economic conditions varied in the different provinces. In the United Provinces, for instance, there were joint villages which could be held responsible for the payment of revenue. Elsewhere the individual cultivators could be separately dealt with. Thus was steadily developed the settlement policy of Government in the early part of the last century. In other parts of the country shorter terms have been permitted. The extent to which the different systems prevail in the various provinces is roughly shown in the following table, the figures including waste and uncultivated as well as cultivated land :—

Figures in Thousands of Acres, omitting 000.

Province.	Rayatwari (Peasant Proprietors.)	Zamindari (Individual Proprietors or Village Communities)		Total.
		Perma- nently settled.	Temporari- ly settled.	
Burma	108,714	...	...	108,714
Assam	25,909	3,900	1,465	31,304
Bengal	...	39,211	11,269	50,480
Behar and Orissa	...	41,452	11,760	53,212
United Provinces	...	7,541	60,793	68,334
Punjab	...	...	61,856	61,856
N. W. Frontier Province	...	...	8,438	8,438
Bombay	44,876	...	3,754	48,630
Sind	30,257	...	...	30,257
Central Provinces	12,152	...	40,612	52,764
Berar	11,329	...	...	11,329
Madras	61,577	29,179	...	90,756
Ajmer-Merwara	...	574	797	1,771
Coorg and Manpur (in Central India)	1,044	...	...	1,044
Total	295,858	122,287	200,744	618,889

151. Record of Rights.—A necessary preliminary to the settlement of the land revenue is the preparation of a cadastral map and the assessment of the revenue to be levied upon each land or estate. This duty is performed by the settlement officer and his staff who are always engaged in preparing and keeping up-to-date a full record about lands, their boundaries and so on. Every tract of land, every village and field is surveyed and inspected and the land revenue thereon is carefully assessed. When the land revenue was permanently assessed and settled in Bengal in 1793, there was no such survey and it was based upon such information as was available. Complete maps of villages such as those described above, are alone not enough, and a similar full record of the various holdings is essential, and has now been prepared in all the provinces. The record is intended to show the persons from whom the assessment is to be realized and the amount to be realized in each case. The same record or a similar record must show the tenures on which the lands are held and the existing rights in and encumbrances upon them. These records have, of course, to be revised annually or from time to time, so that throughout the country a very extensive and complete system of registration of title by public entry is being thus gradually built up.

The introduction of the Record of Rights in this Presidency, has been thus briefly described:—"The record prepared by the Survey Department was necessarily a fiscal record the object of which was to show from whom the assessment was due and what that assessment was. It was not a record of rights or title. In course of time it was found that a Record of Rights based on possession if not on title, was indispensable for the needs of the administration, especially because the occupants in this Presidency, unlike tenants elsewhere, to whom in status they correspond, had an unrestricted right of transfer.

The necessity of having such a record was pressed upon this Government by the Government of India, and after a great deal of discussion regarding its suitability to this Presidency, it was resolved in 1901, to prepare an initial record designed to show in accurate detail exactly how the land was held, because the revenue records gave only partial and in some respects misleading information on the point. The record was intended to show every right from that of a registered occupant to an annual tenant-at-will. The experiment so started in selected Talukas was found to be successful showing as it did, that the preparation of a Record was possible and would be welcomed by the people."* Act IV of 1903 was passed to give a legal character to this record and to provide for its accurate maintenance. Further steps have been recently taken to render the record more complete and useful by showing in it not only the registered and nominal occupants of a land but the actual occupants as well.

152. Share of the State.—The general principle of land revenue assessment in British India may be thus stated :—The State is supposed to take a definite share of the 'net produce' or 'net assets' of the land. The early cash assessments were based upon the idea that the Government was to take a definite share of the gross produce of the land. At the present moment, however, except in the Bombay Presidency, where the assessment is not fixed in terms of produce at all, the revenue throughout India, is assessed so as to represent a share not of the gross, but of the net produce in rayatwari areas and of net assets in Zamindari areas.

In Northern India and the Central Provinces, where rent is paid, the State takes a certain share of the rent ; in Madras and Burma, where the Government deals directly

* Bombay Administration Report, 1911-12.

with the cultivator, the net produce is the surplus of the assumed value of the produce of land over the expenses of cultivation. The proportion of the net assets taken by Government differs in the different provinces ; but generally it is approximately one-half. Wherever the Zamindari system prevails, the State demand is assessed on the village or estate owned by a single proprietor or by a body of co-sharers. The demand is a definite sum payable either in perpetuity or for a fixed term of years.

Under the Rayatwari system, the assessment, is on each field as demarkated by the cadastral survey. There are different classes of land based upon soil fertility and other considerations, and the rate of assessment differs according to the class to which the land belongs. As pointed out above, assessments in Bombay do not rest upon any calculations of the net produce. Various factors such as prices, selling and mortgage values of land and economic conditions of the area, enter largely into the determination of the assessments. Provision is made in the different provinces for exempting from assessment, permanently or temporarily, increase of income brought about by improvements made by private effort.

153. Permanent Settlement.—When the Dewani of Bengal was obtained by the East India Company, arrangements had to be made for the assessment and collection of land revenue in that province. But the various endeavours made, did not give satisfactory results, and after much discussion, Lord Cornwallis decided and the Court of Directors consented to recognize, for various weighty reasons, the old revenue collectors as the proprietors of lands, and the Government assessment on them was permanently fixed. Whatever considerations may have been present to the mind of Lord Cornwallis when he settled the land revenue in perpetuity, the Permanent Settlement has since then, been the subject of a great controversy.

On the one hand, it is asserted that the policy of making a perpetual settlement in Bengal is to be defended not only on the ground of the peculiar circumstances which prevailed in that province at the time the amount of revenue to be taken from the Zamindars was permanently fixed but also on that of an important principle *viz.*, that fixity of assessment is absolutely necessary in the interests of improved cultivation and agricultural prosperity. On the other hand, it is contended that the State ought not to have relinquished for ever its legitimate share in the increasing profits of the land-lord. It is believed that in consequence of that settlement, the cultivators in Bengal are more prosperous, more resourceful and better able to help themselves in years of bad harvest than cultivators in any other part of India, that agricultural enterprise has been fostered, cultivation extended and private capital accumulated, which is devoted to useful industries, and to public works and institutions.* In view of the indebtedness and poverty of the cultivators in the other parts of the country, as compared with the condition of Bengal, the extension of the permanent settlement to the rest of India has been advocated by many people impressed with the benefits of that system, and the idea of so extending it was seriously discussed for several years in the highest quarters.

The land revenue administration of the various provinces was subjected to much criticism during the last years of the 19th century and certain recommendations were made to Government as to future policy and action. The Government of Lord Curzon issued, on 16th January, 1902, an exhaustive Resolution upon the question dwelling at length upon the various criticisms and suggestions that had been made. They could not endorse the proposition that in the interests of the cultivator, the Permanent

* Government of India's Resolution on Land Revenue Policy, 1902.

settlement should be held up as a public model because it was not supported by the experience of any civilized country, was not justified by the single great experiment that had been made in India and because it was found in the latter case to place the tenant so unreservedly at the mercy of the land-lord that the State had been compelled to employ for his protection a more stringent measure of legislation than has been found necessary in temporarily settled areas. 'It is not, in fine, in the Permanent Settlement of Bengal that the rayat has found his salvation; it has been in the laws which have been passed by the Supreme Government to check its license and to moderate its abuses.'

In the opinion of many, the Permanent Settlement was a great blunder in as much as it deprived the State, and, therefore, the country as a whole, of its due share in the increasing production of wealth. Whereas, the land revenue has steadily increased in other parts of the country where the State's share can be raised from time to time in proportion to the increasing value of the produce of land, the contribution made by the Zamindars to the public treasury has remained and will remain at the original low level. The State usually has and ought to have the right to enhance its demand upon the income of the various classes of people without detriment to the healthy growth of agricultural and manufacturing wealth, but owing to the Permanent Settlement, it is contended, the Zamindars escape their proper burden of taxation and the national exchequer suffers to that extent. †

154. Limitation of State Demand.—With reference to the contention of their critics that where the land revenue is paid to the State by the landlord, the principle of the 'Saharanpur Rules of 1855', limiting the State demand to one-half of the rent or assets of the land-lord

† See 'Elements of Indian taxation' by Leonard Alston and the Author's 'Indian Economics.'

should be universally applied, the Government of India stated that while the standard of 50 per cent. had nowhere been laid down as a fixed and immutable prescription, there had been, and there was, a growing tendency throughout temporarily settled Zamindari districts to approximate to it, and in special circumstances a very much lower share was taken.

As regards temporarily settled tracts it was suggested to the Government that their demand should be limited to 50 per cent. of the value of the net produce, after a liberal deduction for cultivation expenses had been made and should not ordinarily exceed one-fifth of the gross produce; and government replied that it was neither possible nor equitable to fix the demand of the State at a definite share of the gross produce of the land, that they were already taking much less than they were invited to exact and that since the average rate so far from showing an inclination to enhancement, was everywhere on the downward grade, they were unable to accept a proposal which could only have consequences the very opposite of those which were anticipated by its authors.

In Bombay, Madras and the United Provinces, the usual term of settlement has been 30 years; in the Punjab and the Central Provinces it has been 20 years and in Burma, Assam and such other backward tracts, shorter terms are allowed. Government, however, did not feel it necessary to lay down a uniform limit. With regard to the suggested limitation of Government enhancements to a rise in value due to (1) State improvements and (2) rise in prices, the Resolution declared that 'to deny the right of the State to a share in any increase of values except those which could be inferred from the general tables of price statistics, in itself a most fallacious and partial test, would be to surrender to a number of individuals an increment which they had not themselves earned, but which had resulted, partly from the outlay of Government money

on great public works such as canals and railways and partly from the general enhancement of values produced by expanding resources and a higher standard of civilization.'

155. Suspension and Remission.—For the convenience of the agricultural population, the land revenue is recovered not by a single annual payment but in instalments, the dates and amounts of which are fixed to meet local circumstances. The Government is invested with extensive powers for the purpose of recovering the land revenue but extreme measures are adopted only in more serious cases. Of late years the policy of suspending and remitting revenue has been largely developed. Owing to famine and drought, the normal revenue cannot be collected in tracts affected by the calamity and the State demand has to be suspended, or even to be remitted.

In 1905 the Government of India issued a resolution in which they laid down general lines to be followed in the various provinces with regard to suspensions and remissions of land revenue. "It was decided to adhere to the conclusion arrived at in 1882 (when previous instructions for modifying, where necessary, the strict system of revenue assessment and collection were issued) and endorsed by the Famine Commission of 1901, that relief will not be ordinarily required when there is half a normal crop. On the other hand, it was suggested that total relief should be given where the crop is less than a quarter of the normal. The principle was accepted that as a general rule, no suspended revenue should be collected until after one fair harvest subsequent to the failure has been reaped in the affected tract. It was further laid down that no relief should be ordinarily given to the revenue payer of the land-lord class unless it can be ensured, either by legislation* or by arrangement, that a proportionate

* The Government of Bombay have recently carried out this recommendation by a suitable amendment of the Land Revenue Code.

degree of relief will be extended to the actual cultivators of the soil, or at least to the tenant class." Local Governments were called upon to examine the existing rules in the light of these principles, and to make the rules more elastic so as to give timely relief to the cultivators in times of agricultural distress.

158. Tenancy Acts.—The question of tenant right in India is a very complex one. Between the State on the one side and the actual cultivator on the other, there stand intermediaries such as the Zamindars, sub-proprietors like the Talukdars, Malguzars, Khotes, Inamdars and Tenure holders, and a variety of tenants. In Rayatwari tracts it is comparatively easy to determine the status of the occupant who is either a proprietor having the obligation to pay land revenue to the Government or an inferior occupant paying rent to some superior. Apart from the few land-lord estates that exist in Madras and Bombay, here is in these provinces hardly any growth of a land-lord or middleman class as such, and consequently there are not to be found there a variety of grades of interest as in Northern India.

In Bengal, the United Provinces and the Central Provinces, the British Government was confronted with the problem of determining accurately the relations between land-lords and tenants and regulating the rents exacted by the former. For protecting the interests of tenants, the Government has passed, within the last thirty years, various tenancy laws in the several provinces. It being difficult to distinguish clearly between tenants who represent the old land-owners and those whose position is due to contract, in Bengal and the Agra Province, the gordian knot has been cut by the general rule that any tenant may be regarded as an 'occupancy' tenant, provided he has held the same land continuously for twelve years. This twelve years' rule does not apply in the

Punjab and Oudh and applies only to a limited extent in the Central Provinces. But the Tenancy Acts there have provided for the safe-guarding of the tenants' interests in other ways.

In the words of the Government Resolution of 1902, the Legislature has created a strong body of occupancy tenants in Bengal, has secured the tenantry of Oudh against enhancement at over-frequent intervals and in immoderate proportion and has practically given to every tenant in the Central Provinces fixity of tenure at a fair rent. Thus nearly two thirds of the tenant area in the United Provinces and about a fifth in the Punjab are held by tenants with rights of occupancy. As the agricultural prosperity of the country ultimately depends upon the prosperity of the actual cultivators of the soil, wherever the Government found land-lords coming between itself and the rayats, it stepped in to determine definitely their status and mutual obligations and to prevent rack-renting and oppression by the land-lords, be they Zamin-dars, Talukdars or Malguzars.

157. Conclusion.—It appears (1) that the land revenue policy of Government is based on the assumption that the State is the universal land-lord in India. But it can be conclusively shown that the State has never assumed that role in this country. (2) The cultivator being the proprietor of his lands, the revenue he pays to Government, is an income tax levied upon agricultural profits. (3) The original idea underlying the rayatwari system was that the assessment of revenue once made, was to be permanent. The Government of Madras has itself emphasised the distinguishing feature of rayatwari to be "the limitation in perpetuity of the demand of the State on the land." (4) If land revenue is a tax on agricultural incomes and not a rent, it must be treated like all other taxes and its enhancement must be subject to the sanction

of the legislature. (5) In any case, the prosperity of the agricultural industry and of the rayats generally requires that the incidence of the land tax should be light and that small incomes should be exempted.

The land tax is one of the oldest of taxes and is favoured by Government because it is one with which people are familiar. It is believed that it is but equitable that the State should share in the prosperity of the cultivator and land-lord and that therefore the tax should be periodically enhanced. The income of the land-lord, like that of persons engaged in other industries, must certainly be taxed. But the fundamental principles of taxation have to be followed in regulating the land revenue administration also.

After numerous experiments covering a period of about one hundred years, the State machinery relating to the survey and assessment of land and of the collection of land revenue, has now been perfected, and different systems conforming to varying provincial conditions and change of State policy have been established. It is not possible to make wholesale changes in the existing arrangements, but they can be adapted to economic needs and the requirements of progress. The land tax is one of the largest sources of State income and the interests of the exchequer must be reconciled to the interests of the cultivators and of the economic development of the country generally.

CHAPTER XII.

LAW AND JUSTICE.

CONTENTS.

158. Early History. 159. Indian and English Law. 160. Judicial Reforms. 161. High Courts 162. Subordinate Courts 163. Appeals. 164. Litigation. 165. Civil Suits. 166. Criminal Justice.

158. Early History.—Passing reference has been made in previous Chapters to Indian law, and the constitution and procedure of the Indian Legislatures have been fully dealt with. It is the chief purpose of the present Chapter to describe the machinery of judicial administration in British India. From the fact that, except in the case of Bombay which was obtained in full sovereignty from Portugal, in all places where the British East India Company formed its settlements in this country, it did so with the express permission of the indigenous rulers, it might be inferred that they were subjected to indigenous law. Nothing of the sort, however, happened and the various charters of the Company conferred upon it considerable judicial authority.

It was believed that the British had brought their own national law with them and they could not submit to the laws of this country. The Royal Charter of Charles II of the year 1661 gave to the Governor and Council of the several places belonging to the Company in the East Indies power "to judge all persons belonging to the said Governor and Company or that should live under them, in all causes, whether civil or criminal, according to the laws of the kingdom, and to execute justice accordingly." In 1726, the Crown by Letters Patent established Mayors' Courts at Madras, Bombay and Fort William, each consist-

ing of a Mayor and nine Aldermen, seven of whom with the Mayor were required to be natural born British subjects. They were declared to be Courts of Record, and were empowered to try, hear and determine all civil suits, actions and pleas between party and party.

But in the confusion which prevailed in Bengal before and after the battle of Plassey, there was hardly any judicial system in the Company's territory. The right of Dewani was obtained by the Company but civil and criminal justice remained in the hands of indigenous agency. In the time of Warren Hastings there was, however, a complete change of policy, and the Company undertook the administration of civil and criminal justice instead of only a supervision of the same. Thus by the Regulation Act were established the *Foujadari* and *Dewani Adalats* as also the Supreme Court. The defects of the Act and of the Charter of 1774 and the consequent conflict between the two rival and independent powers, *viz.* the Supreme Council and the Supreme Court are all matters of history. These defects were partially remedied by the Act of 1781 (21 Geo. III c. 70) which limited the jurisdiction of the Supreme Court.

159. Indian and English Law.---At first it appears to have been intended that the English law should be made public and territorial and applicable to Europeans and Indians alike, but this idea was given up later on. The Act of 1781 which empowered the Supreme Court to determine all actions and suits against the inhabitants of the City of Calcutta, " provided that their succession and inheritance to lands, rents and goods and all matters of contract and dealing between party and party, should be determined in the case of Mahomedans by the laws and usages of Mahomedans or in the case of Gentoos, by the laws and usages of Gentoos, and where only one of the parties should be a Mahomedan or Gentoos, by the laws and usages of the defendant. "

The influence of Western jurisprudence and of the case law emanating from courts established and moulded on English models and generally the spread of education gradually relaxed and altered Hindu and Mahomedan laws and customs to a certain extent. Thus at the present day, 'native law has been wholly superseded, as to criminal law and procedure and as to civil procedure, by the Indian Penal Code, the Indian Codes of Criminal and Civil Procedure, the Evidence Act and other enactments and has been largely superseded as to other matters by Anglo-Indian legislation, but still regulates, as personal law, most matters relating to family law and the law of succession and inheritance among Hindus, Mahomedans and other natives of the country.'*

The effect of western jurisprudence and judicial procedure on Indian customs and laws has been thus described :—" By our system of Civil law and Civil Courts of precedents and case law we have petrified the bonds in which India lay when we arrived and made them far more rigid than before. While by our introduction of new ideas of greater material progress we have rendered the old laws more and more obsolete, we have, at the same time, stopped an evolution of these laws and killed any capacity they had for accommodating themselves to change. Some lawyers even, enthusiastic as they are about their own profession, have seen this danger.'†

160. Judicial Reforms. — The Mayor's Courts at Madras and Bombay remained unaltered until 1797 when they were superseded by Recorder's Courts, which were again replaced by Supreme Courts on the Bengal model, at Madras in 1800 and at Bombay in 1823. It is unnecessary to refer here to the changes made in the organization of Civil and Criminal Courts in the time of Lord

* Sir Courtenay Ilbert's 'The Government of India.'

† The " Passing of Empire" by H. Fielding-Hall.

Cornwallis, the Marquis of Wellesley and Lord William Bentinck. In 1801, during the administration of the Marquis of Wellesley, the two appellate courts of *Sadar Nizamat adalat* and *Sadar diwani adalat* were remodelled. Instead of consisting of the Governor General in Council, they were composed of three or more judges selected from the covenanted service ; thus they remained until merged in the High Court in 1862.

The ordinary courts of justice were constituted much in their present form by Lord Willam Bentinck (1828-1835). The Provincial Courts of Appeal in civil cases were abolished; full criminal jurisdiction was conferred upon the Civil District Judges, under the style of Sessions Judges; and the magisterial authority formerly exercised by the Civil Judges was transferred to the Collectors. As regards Courts of Civil jurisdiction outside the Presidency towns, Courts of Native Commissioners had been established by Lord Cornwallis and *amins*, *munsifs* and *sadar amins* with varying civil jurisdictions were created. The *sadar amin* was later on abolished and was replaced by the Subordinate Judge, from whom an appeal lies to the District Judge and the High Court.

By the Act of 1833, a Law Commission was appointed to sit in Calcutta and inquire into the jurisdiction and procedure of the courts of justice and police establishments and into the operation of the laws, civil and criminal. This Commission in whose labours Lord Macaulay bore a large part, prepared a Penal Code which became law in 1860. Another Commission was appointed by the Act of 1853 to sit in London for considering and reporting upon the recommendations of the Indian Law Commissioners. The simplification of the various judicial jurisdictions was brought about by the passing of the Civil Procedure Code and the Criminal Procedure Code along with the Penal Code.

There was at that time such a hopeless jumble of statutes, laws and regulations, and of Hindu and Mahomedan laws and usages that the necessity of bringing order out of this chaos was urgently felt. The attempt of the East India Company to govern Englishmen by English law and Indians by their own laws, Hindu, Mahomedan and Buddhist, had failed, and the Act of 1833 declared that "it was expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishment and police, to which all persons whatever, as well Europeans as Natives, may be subject, should be established in the said territories at an early period; and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings and peculiar usages of the people, should be enacted and that all laws and customs having the force of law within the same territories should be ascertained and consolidated and as occasion may require, amended."

161. High Courts.—In 1861 was passed a statute (24 and 25 Vict. c. 104), empowering the Crown to establish by letters patent High Courts at Calcutta, Madras, Bombay and eventually for the Province of Agra in which the Supreme Courts, as well as *Sadar diwani adalat* and the *Sadar nizamat adalat* were merged. The judges were to be appointed by the Crown and to hold office during the pleasure of the Sovereign. It was provided that in each case, at least one-third of the number were to be barristers or members of the Faculty of Advocates of Scotland and at least one-third members of the judicial branch of the Indian Civil Service, the remaining places being available for the appointment of Indian lawyers.

The High Courts exercise jurisdiction, original and appellate, civil and criminal, testamentary and intestate, insolvent and matrimonial. Their ordinary original jurisdic-

tion is confined to the Presidency towns, and is thus preserved a distinction which dates from the Charter of 1726. By their extraordinary original jurisdiction and their appellate jurisdiction, they control all the other courts of justice, both civil and criminal, within the limits prescribed by their letters patent. Subject to any law which may be made by the Governor General in Council, the High Courts may not exercise any original jurisdiction in any matter concerning the revenue or concerning acts ordered or done in the collection thereof according to the usage and practice of the country or the regulations for the time being in force.

The High Courts exercise their power of control and supervision over all courts subject to their appellate jurisdiction; they may call for returns, direct the transfer of any suit or appeal from any such court to any other courts of equal or superior jurisdiction, may make and issue general rules for regulating the practice and proceedings of such courts and fix the tables of fees to be allowed to sheriffs, attorneys and all clerks and officers of such courts. All such rules, forms &c., however, require the previous approval of the Local Government. The Governor General and the Governors of Madras and Bombay and members of their Councils are exempted from the original jurisdiction of the High Courts in respect of any thing counselled or done by any of them in his public capacity. Similar exemption is given to them in the matter of arrest or imprisonment in civil proceedings in the High Courts and of criminal jurisdiction in respect of any misdemeanour at common law or under any Act of Parliament. This exemption is, of course, intended to obviate the recurrence of such unseemly conflicts as took place in the time of Warren Hastings.

Corresponding to the five chartered High Courts at Madras, Bombay, Calcutta, Allahabad and Patna, there

are Chief Courts deriving their authority from the Indian legislature in those parts of British India which lie outside their jurisdiction. The Chief Court of the Punjab was established in 1866 and that of Lower Burma in 1900. In Oudh, the Central Provinces, N. W. Frontier Province, Upper Burma, Coorg, Berar and Sind, there are courts of Judicial Commissioners. The powers and jurisdiction of these non-chartered High Courts are similar to those of the chartered High Courts. Allahabad not being a Presidency town, the High Court there has no original jurisdiction except as regards criminal proceedings against European British subjects.

Under the Act of 1861, each High Court consisted of a Chief Justice and as many judges, not exceeding 15 as the Crown might, from time to time, think fit to appoint. This maximum allowed by statute was, however, found to be inadequate to the growing volume of business. The Indian High Courts Act, 1911 was therefore, passed, raising the maximum number of judges including the Chief Justice, to 20 and provision was made for the establishment of additional High Courts in any part of India.

162. Subordinate Courts.—Below the High Courts, there are subordinate courts, both civil and criminal. As regards the Civil courts, their procedure is regulated by the Code of Civil Procedure, but their constitution, nomenclature and jurisdiction vary in the different provinces and depend upon Acts passed for these provinces. In general, the constitution of these courts in the major provinces is uniform. (Each district usually has a District Judge who exercises control over all the courts in his district and his court is the chief civil tribunal to which appeals may be made from the lower courts. Below the District Judge, there are Subordinate Judges with smaller jurisdiction, and Munsiffs or Subordinate Judges of the second class stand below them. The jurisdiction of the subordinate Judges is unlimited with regard to the value

of cases, while that of Munsiffs is limited from Rs. 1,000 to 5,000.

The title of Subordinate Judge is somewhat misleading because his jurisdiction is greater than that of the District Judge, since it extends to all civil suits, whatever their amount, while the District Judge's original jurisdiction is limited to suits not exceeding Rs. 10,000, though appeals may be preferred in small suits in his court from the decisions of both the Subordinate Judges and Munsiffs. Second appeals also lie to the High Court from the decisions of the District Judge, and first appeals against the decrees of the Subordinate Judge in cases exceeding ten thousand rupees in amount. In the presidency towns and in some other places, there are also what are called, 'Small Causes Courts' which exercise final jurisdiction in petty cases.

In the matter of the administration of criminal justice the chief guide and regulator of procedure is the Code of Criminal Procedure. For every district or group of districts, there is a court of Sessions presided over by a Sessions Judge who is the District Judge himself exercising his criminal jurisdiction. He may be assisted by additional, joint and assistant Sessions Judges. Below the Sessions Judge there are magistrates of three classes, of the first class, the second class and the third class. In the presidency towns there are special magistrates called the Presidency Magistrates and in every district town there is a magistrate of the first class, called the District Magistrate, who has subordinate magistrates under him. A High Court is competent to pass any sentence authorized by law. A Sessions Judge possesses the same power subject to the confirmation of the High Court in cases of capital sentences. Trials before the High Court are by a jury of nine and those before a court of Sessions either by a jury or with assessors who assist but do not bind the Judge by their opinions. A European British subject may be tried only by a European magistrate or an Indian

magistrate who is a Justice of the Peace, and Judges of the High Courts, the Sessions Judges, District Magistrates and Presidency Magistrates are Justices of the Peace *ex officio*.

(1) Presidency Magistrates and Magistrates of the first class can pass sentences of imprisonment up to two years and of fine up to Rs. 1,000. In cases which they are not competent to dispose of finally, they commit for trial to the court of sessions or the High Court. (2) Magistrates of the second class can pass sentences of imprisonment up to six months and of fine upto Rs. 200. (3) Magistrates of the third class can pass sentences of imprisonment up to one month and of fine not exceeding 50 rupees. Provision is made and is largely resorted to in towns, for the appointment of honorary magistrates, for the formation of benches of Magistrates, honorary or stipendiary, and for the appointment, in the Presidency towns, of Presidency magistrates, to try minor offences and commit to the High Court persons charged with more heinous crimes. In certain provinces a large number of petty cases are tried by village *headmen in their capacity as village magistrates and by village officers, in certain other provinces, such as the village police patels in Bombay and village headmen in Burma. In military cantonments the original criminal jurisdiction is that of a military officer styled the Cantonment Magistrate.

163. Appeals.—The system of Indian law gives considerable scope for appeal. From a conviction by a second or third class Magistrate an appeal lies to the District Magistrate and an appeal may be preferred in the court of Sessions Judge from the convictions of first class Magistrates. The original convictions of the Sessions Judge again, are appealable to the High Court or Chief Court in the province. In the case of a death sentence

* See Chapter VIII.

the convicted person may appeal for mercy to the head of the province and also to the Viceroy. In certain cases an appeal lies even to the Privy Council in London. The intervention of the High Court or the Chief Court is also sought in many cases and these Courts use their revisionary powers when such applications are made to transfer cases from one court to another or to order them to be retried.

Appeals lie on points of fact and of law, and the severity of a sentence is allowed as a ground of appeal even when facts upon which it is based are admitted to have been established. Government also is allowed to appeal to the High Court or Chief Court against an acquittal and they may revise cases in which it is believed there has been a flagrant miscarriage of justice. In civil cases there is an equally ample latitude allowed for appeal. Except in the case of Small Causes Courts an appeal lies from the decision of a Munsiff to the District Judge who may transfer such appeals to the Subordinate Judges for disposal. Similarly the decrees of the Subordinate Judge and the District Judge are liable to appeal to the High Court and second or the special appeals are allowed by the latter. In certain cases further appeal may be made to the Judicial Committee of the Privy Council.

164. Litigation.—Besides the courts mentioned above, there are revenue courts presided over by officers whose duty it is to collect and settle revenue. Ordinary civil courts can not interfere in matters connected with the assessment and collection of land revenue and with purely fiscal matters. But all questions of title to land have been brought within the cognizance of the civil courts. Other suits are dealt with entirely by revenue officers. The increase of litigation in India in recent times is a noticeable feature of the social and economic life of the people. The growth of litigation has been at-

tributed 'to a general advance in prosperity and education, to the growth of business and the improvements in communications.' There are probably other causes also responsible for it which render growing litigation an object of anxiety rather than one for congratulation.

The greater the multiplicity and the complexity of the laws, the larger is the scope for litigation. Formerly justice was simple and cheap. Latterly, complaints have been heard that it is becoming dearer. The facilities which the judicial system allows for appeals is also said to be at the bottom of the phenomenon. The courts are being crushed under the weight of appeal work and the curtailment of appeal facilities has been discussed. According to Joseph Chailley*, 'such discussion will have no material effect. The right of appeal is useful everywhere, and in India it is specially necessary, however excessive the use made of it. The reasons are clear; the courts, with the exception of the High Court, are less competent than those of Europe, and have not ordinarily the check of an enlightened bar and a vigilant press. The mediocre character of the magistracy qualifies even the abuse of appeal facilities.'

165. Civil Suits.—The total number of civil suits instituted in civil courts exceeds 20 lakhs annually. The following table shows the number of suits instituted per 1,000 of the population in each province in 1913. The proportion which each class of suit bears to the total number instituted varies very widely in different provinces. Thus the total for Bengal is swollen by suits under the rent law and suits for money or moveable property are 88 per cent. of the total number in Burma.

* Administrative Problems of British India.

Suits instituted per 1,000 of population in 1913 :—

Bengal	...	...	14.2
F. W. F. Province	...	...	12.3
Madras	...	...	11
Punjab	...	...	9.6
Bombay	...	...	7.8
Central Provinces and Berar			7.2
Assam	...	...	6.4
Bihar and Orissa	...	...	5.4
Burma	...	...	5.3
United Provinces	...	...	3.8

Suits for money or moveable property form a very large proportion of the total number, the remaining suits being chiefly for immoveable property, or mortgage suits. The character of civil litigation will be understood if the average value of suits is taken into consideration. The average value of suits, the value of which can be estimated in money, shows a tendency to increase, but of the total number of suits considerably more than 40 per cent. are still of a value of not more than Rs. 50 and a substantial proportion, (14 per cent in 1913), are of a value not exceeding Rs. 10. Suits of a value exceeding Rs. 10,000 numbered only 2670 in 1913, while the number of suits tried in the Courts of Small Causes which exist to provide a cheap and speedy means of recovering small debts, was 2,78,400 in 1913 as against 2,69,154 in 1911 and 1,91,900 in 1901.

Only about 25 per cent. of the total number of suits are contested and a very large proportion go in favour of the plaintiff, (76 per cent in 1913), showing that the litigation is not unjustified. As mentioned above, the number of appeals shows a general upward tendency. In 1901 the total number of appeals before the courts was 1,23,612 ; in 1906, 1,25,381 ; and in 1911, 1,46,363.

166. Criminal Justice.—The number of criminal offences did not long show any marked increase. Recently, however, there was a marked increase in the number of these offences in almost all parts of the country, especially in Bengal and the Punjab. The number of offences reported in 1913 was 16,58,405, in a population amounting to 24,36,06,979. The number of 'true cases' i. e. of offences reported less the cases struck off as false, was 11,21,531 in 1901, and the corresponding figure for 1913 was 13,81,446. This increase of about 22 per cent. can not be regarded as small when compared with the increase in population, which was $6\frac{1}{2}$ per cent. in the same period.

No Indian Judge or Magistrate can try a European British subject unless he happens to be a District Judge or Sessions Judge. The Code of Criminal Procedure thus defines a 'European British subject':—(1) Any subject of Her Majesty born, naturalized, or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American, Australian colonies or possessions of Her Majesty, or in the colony of New Zealand, or in the colony of Cape of Good Hope or Natal; (2) Any child or grand child of any such person by legitimate descent.

Every European British subject brought for trial before the District Magistrate or Sessions Judge has the right, however, to claim to be tried by a jury of which not less than half the number shall be Europeans or Americans. Before 1872 the trial of European British subjects could take place only before the High Courts and great inconvenience was caused to the parties involved. This state of things was sought to be remedied by the Government of India about 1884 by investing Indian Magistrates and Judges with the power of trying European British subjects. This proposal encountered such

storm of European opposition that the Government were compelled to drop the measure, and the famous Ilbert Bill controversy left the position as it was before the reform was contemplated. "It may be feared that the result of all this has been that we must leave to a distant future the hope that the Government of India will be able to place the law regarding jurisdiction over European British subjects on a satisfactory footing".*

CHAPTER XIII.

POLICE AND JAILS.

CONTENTS.

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167. The Old System.—It is during the later years of British rule that a regular police force has been organised for the prevention and detection of crime. In pre-British days the responsibility of maintaining peace was thrown upon the shoulders of the village community, which was a unit of administration for every purpose. The headman and the watchman of the village were held specially answerable for the preservation of peace. When there were large Zamindars, the duty devolved upon them and was performed through the subordinate tenure holders. The real executive police of the country were thus the village watchmen. The police administration of large towns was entrusted to officers called *Kotwals* who received large salaries and had to maintain a considerable constabulary. The *Kotwali*† rule in Poona in the days of the later Peshwas is well-known.

† In his introduction to the Peshwas' Diaries, the late Mr. Justice Ranade observes:—"As regards the Police the Kamavisdar, with his shibandi force of horse and foot, constituted the regular Police defence of the country. In the village the Patil and Kulkarni, and the Jaglies or watchmen, consisting of Mahars and Mangs, secured their internal quiet, and in the larger villages or towns, each man had to do watch duty at the Choudi by turns. Besides the Shibandis and the village Police, in large towns Kotwali establishments were organized for the detection and the punishment of crime, and we find that Kotwals were appointed at Poona, Nasik, Pandharpur, Nagar, Satara, Wai, Ahmedabad, Burhanpur, Trimbak, and other towns. The Kotwali establishments had also the charge of the conservancy of the cities and scavengers were provided and paid for by cesses levied from householders...The Kotwals at Poona, Nagar, Pandharpur, Junnar, and Nasik had powers of Magistrates in miscellaneous cases, which, in the districts, were disposed of by the Kamavisdars."

The Moghul Emperors followed and developed this indigenous system which was not unlike that of Saxon England and of the England of Norman times. But the system could not stand the strain of political disorder and the relaxation of the control of the central authority. When the *diwani* of Bengal was conferred upon the East India Company, its officers were confronted with anarchy and disorder. To remedy this state of things, they did not at once overhaul the whole system but maintained the old village organization and tried to improve the machinery for supervision.

The Zamindars, who were till that time responsible for the maintenance of order, were relieved of that duty and their police service was commuted for a payment of enhanced revenue. The *nizamat* or criminal jurisdiction which had been left in 1765 under the control of the Nabob, was taken over by the East India Company, and the *nizamat* court was removed by Lord Cornwallis from Murshidabad to Calcutta in 1790. The Zamindars were replaced by European Magistrates of districts who had under them for police purposes a staff of 'darogas' and a body of peons.

Each district was divided into police jurisdictions or *thanas* of about 20 square miles, each of which was placed under the charge of the 'daroga' who was empowered to maintain a body of constables at the expense of Government. This was the origin of a stipendiary police force under the orders of the chief executive officer of a district, which remained substantially unaltered in Bengal until 1861. The Kotwali system was continued in cities and a daroga was appointed for each ward of the city. The Bengal police organization was adopted in the N. W. Provinces but in Madras and Bombay a different system was followed.

168. Early Experiments.—The police reform in Bengal, however, proved a failure and robberies, murders and dacoities were of frequent occurrence. Inquiries were instituted into the causes of this failure, and in 1813 the Court of Directors appointed a special committee of their own body for this purpose. Next year the Court issued orders in which they condemned the establishment of darogas and their subordinates and insisted strongly on the maintenance of the village police as forming in every village the best security of internal peace. "They pointed out that the village police secures the aid and co-operation of the people at large in the support and furtherance of its operations, because it is organized in a mode which adapts itself to their customs, that any system for the general management of the police of the country which is not built on that foundation must be radically defective and inadequate; and that the preservation of social order and tranquillity can never be effected by the feeble operation of a few 'darogas' and peons stationed through an extensive country, wanting in local influence and connection with the people, insufficiently remunerated to induce respectable men to accept the office, placed beyond the sight and control of the Magistrate and surrounded with various temptations to betray their trust."*

Effect was given to this principle, laid down by the Court of Directors in 1816, in Madras where the establishment of darogas was abolished and the village system was called back to life. The village headmen were directed to apprehend offenders and send them to the tahsildars who were appointed heads of police of their districts under the general supervision of the European Magistrate. The Madras organization was adopted in Bombay in 1827 with the difference that the general su-

* Report of the Indian Police Commission, 1902-03.

pervision was entrusted not to the executive Government as in Madras, but to the Sadder Faujdari Adalat or the Supreme Criminal Court.

169. In Bombay and Madras.—In the absence of a subordinate revenue establishment, as in Madras and Bombay, the daroga and his men had to be retained in Bengal, though with curtailed powers. An important step was taken in that presidency in 1808 when a Superintendent of Police with criminal jurisdiction was appointed. He worked with the help of spies and informers to suppress dacoity and the system showed satisfactory results. The Superintendents were, however, abolished in 1829 when Divisional Commissioners were appointed for the first time and the Collector-Magistrate became the head of the police, the functions of Superintendent being performed for each Division by the Commissioner.

The attention of the Court of Directors was once more directed to the question of the chaotic and inefficient character of the Police in India and committees were once more appointed to make inquiries. No action was, however, taken for many years upon the recommendations that were made to the Court. The chief defects of the existing system were that the police force was imperfectly organized and the magistrates were overburdened with other duties that tended to weaken their supervision over the police. The duties of Magistrate and Police Superintendent were first separated in Presidency Towns. When Sir Charles Napier was called upon to organize the administration of Sind after its conquest in 1843, he adopted this principle taking as his model the Irish constabulary. The peculiarity of his system lay in the fact that the Sind police was made an entirely separate department of the executive Government, independent of the judicial authority.

The Government of Bombay decided to borrow a leaf out of Sir Charles Napier's book, and in 1855 the

Bombay police was remodelled after the Sind pattern. Under this system, for police purposes each district was placed in the charge of a Superintendent who had exclusive control over the force though he was generally subordinate to the Magistrate. Over each taluka was appointed a subordinate police officer who held to the Mamlatdar the same relation as the Superintendent to the Magistrate, and the supreme control over the police was transferred from the Court of Faujdari Adalat to the Government. This last feature was found to work unsatisfactorily and in 1855 the administration of the police was transferred to a Commissioner of Police who was also Inspector of Prisons.

A reform on similar lines was effected in Madras in 1859 when the grave abuses in the working of the police in that Presidency were revealed by the disclosures of what is known as the Torture Commission. The lead of reform was followed in the Punjab and other provinces and the importance of the subject was so keenly felt that the Government of India in 1860 appointed a commission to inquire into the whole question of police administration in India and to submit proposals for increasing the efficiency and reducing the excessive expenditure.

170. Police Commissions.—Chief among the recommendations were that at the head of the police in each province there should be an Inspector General and at the head of a District, a Superintendent. The subordinate force was to consist of inspectors, head constables, sergeants and constables, the head constable being in charge of a police station and the Inspector of a group of stations. The Commission recommended that Commissioners of Divisions should cease to be Superintendents of police though they did not wish to limit their general control over the criminal administration and their authority over District Magistrates.

These recommendations were embodied in a Bill which was passed into law as Act V of 1861. With the exception of Bombay, the police forces were organized on the lines laid down in this Act with certain variations. In Bombay, however, under the local District Police Act, the District Superintendent and his staff were placed under the control of the Magistrate of the District who was himself subject to the orders of the Commissioner. The Inspector General of Police had been abolished in 1860, but was restored twenty-four years later. The officers in the Indian Police Service were drawn for many years from the commissioned ranks of the Native Army and were afterwards appointed by nomination alone. In 1893 the system of competition in England and in India was introduced and officers already in the public service were also promoted.

✓ The Police Commission of 1902 regarded the system introduced in 1860 as, on the whole, a wise and efficient one and the main causes of its failure were thus pointed out :—"That the extent to which the village police must co-operate with the regular police has been lost sight of and an attempt has almost everywhere been made to do all the police work through the officers of the department ; that the importance of police work has been underestimated. and responsible duties have ordinarily been entrusted to untrained and ill-educated officers recruited in the lowest ranks from the lower strata of society; that supervision has been defective owing to the failure to appoint even the staff contemplated by the law and to increase that staff with the growing necessities of administration ; that the superior officers of the department have been insufficiently trained and have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their subordinates; and that their sense of responsibility has been weakened

by a degree of interference never contemplated by the authors of the system."

171. Police Reform.—The recommendations of the Commission were naturally designed to combat the above evils in the existing organization and character of the police and had reference to the method of recruiting superior and subordinate officers, to their salaries and their respective duties, the establishment of training schools, the creation of a Criminal Investigation Department for each province, the necessity of developing existing village agencies available for police work and to the urgency of improving the general tone of the police force which failed to inspire confidence in the minds of the people.

In a lengthy Resolution issued on the Commission's report in 1905, the Government of India characterized the picture drawn by the Commission, of the corruption and inefficiency of the Police, as highly exaggerated, concurred with it on the whole in its main conclusions, and accepted its chief proposals. These were calculated to involve an additional expenditure of nearly a crore and a half of rupees a year; the actual expenditure since 1905 has exceeded even this amount.* The proposals of the Commission have been carried out, to a large extent, in almost all provinces.

There is a great improvement in the organization, the pay and prospects of the police as a whole, but its general character and tone about which the Commission of 1902 felt called upon to make strong remarks, yet leave much to be desired. Government are themselves conscious of these imperfections and point out the difficulties which lie in the way of reform. It is admitted that the police can never do its work successfully unless and until it inspires confidence in the public mind, which at present it

* See Chapter on Finance.

hardly does. It is in this direction that improvement has to be made.

172. Organization.—In most provinces, the police establishment forms a single force under the Local Government, there being a separate force for each district in Bombay. At the head of the department is an Inspector General of Police who is a police officer or a member of the Indian Civil Service. The province is divided into 'ranges' which are in the charge of Deputy Inspectors General. Each district is in the charge of a District Superintendent who is responsible for the discipline and internal management of the force, and in all matters concerned with the preservation of peace and detection and suppression of crime, is the subordinate of the District Magistrate. He has under him one or more Assistant or Deputy Superintendents. Assistant Superintendents are recruited in England by competitive examination from candidates who must be British subjects of European decent, but direct appointment may be made in India in exceptional cases. Deputy Superintendents are recruited in India partly by promotion and partly by direct appointment of Indians having the necessary qualifications required for the Provincial Services.

The district is divided for Police purposes into sections or circles under Inspectors and the circle is again split up into smaller areas each of which has a Police Station in the charge of a subordinate officer who is in many provinces a Sub-Inspector. The average area of a Police Station is about 200 square miles. In this Presidency there are also subsidiary police stations known as outposts. A reserve is kept at the head-quarters of each district to supply men in case of need. A small proportion of the police are mounted. On frontier tracts in

Bengal, Assam, Burma and North-West Frontier tracts a force of military police is maintained.

173. The Village Watchmen.—Apart from the regular or stipendiary force, the immemorial institution of the village watchman still survives almost everywhere throughout India. The old theory that the prevention and detection of crime is a local responsibility, has been emphasised and always accepted by the British Government but it has almost neglected to maintain the efficiency of the village watchmen and to harmonise the working of the rural and stipendiary systems. The regular police have, however, to depend largely on the village officers for information and assistance. The watchman is under the direct control of the headman on whom rests the responsibility to report crime and to help the execution of Justice.

In Bengal where there are no headmen, the 'Chaukidars are regular low-paid police officers and in other parts of Northern India they are partly subordinate to the village elders or 'lambardars' and partly responsible to the officer in charge of the Police station. The village watchmen are remunerated in different ways in the different provinces by grants of rent-free land, fees or monthly salaries paid from cesses. They are under the supervision and control not of the regular police officers but of the Collector or Deputy Commissioner. For the detection of local crime their services are invaluable but they are said to have little stimulus for exertion and their condition is unsatisfactory.

In the Presidency towns and in Rangoon there are separate police forces under Commissioners. Similarly, the organization of the Railway police is distinct from the district police though they act in co-operation. Obviously the Railway police are concerned with the maintenance of law and order and watch and ward over railway pro-

perty and are provided for by the railway administration. In most provinces the bulk of the rank and file of the police are illiterate. Recently training schools for constables have been established in certain provinces and special central police training schools are to be found in almost all provinces. It is believed that there will be gradual improvement in the Indian police as more literate and trained men come to be employed in that force.

174. Offences.—Offences are classed by law as ‘cognizable’ or ‘non-cognizable’ according as the culprit may or may not be arrested without a warrant. In the case of the former class of offences the accused must be taken by the investigating officer before a Magistrate who records his confession if he makes one. Great care has to be taken to see that the confession is perfectly voluntary. An accused person cannot be detained by the police for more than 24 hours without a Magistrate’s special order. In ordinary cases, the prosecution is conducted by the Inspector or sub-Inspector, but in serious ones a pleader may be engaged or the work may be done by the District or Assistant Superintendent. Cases that come before a sessions court are conducted by the Government pleader.

Besides detecting crime, the police have also to prevent crime and for this purpose they have to keep a constant watch on the movements of habitual offenders and suspected characters. Tribes and gangs of thieves and robbers who make thefts and robberies the regular avocation of their lives, have to be specially watched and brought to book. An endeavour is being made to reclaim some of these criminal tribes.* The ‘Bhamptas’ who were tried and punished at Poona a few years ago, for their systematic thievish operations covering an extensive area, are typical of one of these classes of criminals. The work

* See Author’s “Indian Economics” page 79.

of detecting organized crime was long in the hands of the Thagi and Dakaiti Department which was abolished in 1904 and was replaced by the Criminal Intelligence Department under the control of a Director. Provincial Criminal Investigation Departments have now been organized with the object of providing full and systematic information with regard to important and organized crime.

The total sanctioned strength of the civil police force in 1913 was 917 officers of the rank of Deputy Superintendent or higher rank and 1,95,387 men and officers of lower rank than that of Deputy Superintendent. The village watchmen are estimated at about 7,00,000. The military police, are employed in Burma, Assam, Bihar and Orissa, Bengal, the N. W. F. Province and Baluchistan and in 1913, they numbered 26,307 officers and men, of whom 16,327 or 62 per cent. belonged to Burma. The total cost of this force amounted in 1913, to Rs. 89,37,068 the cost in Burma being Rs. 57,73,059 or 65 per cent. of the total. The reorganization effected in 1905 added considerably to the cost of the police. The total police charges which amounted, in 1901-02 to £ 2,691,344 increased to £ 5,7,26,600 in the budget for 1917-18. The receipts from fees, fines &c. and on account of police supplied to municipalities, private companies and persons, is expected to amount to £ 136,300 in 1917-18 so that deducting these, the net charges in the year are calculated to come to £ 5,590,300. The average number of regular civil police per 10,000 of population was in 1911-12, for Bengal, 4.4; Bombay, 12.9; Madras, 7.8; Burma 13.1; and Punjab 9.6.

175. Prison Reform.—In India, as in England and other countries, the treatment accorded to persons convicted by the law courts was, for centuries, very harsh and often brutal. Not to speak of pillorying and whipping at the cart's tail or mutilating and maiming, which

were resorted to without compunction, the condition of the dark and dirty cells to which prisoners were consigned was such as would be regarded as a disgrace to a civilized people to-day. An account of the old pestilential prisons and the unwholesome food given to their inmates would be read with horror by the present generation. The question of prison reform was taken up in England by a few tenderhearted and determined philanthropists, and the public conscience was roused to the necessity of improving the shocking condition of the national jails. Compared with the prisons of former times the jails of to-day are palaces, and the principle has been appreciated that punishment is meant as a corrective as much as a deterrent.

Prison reform has been carried out upon this principle and it has been adopted by the British Government in this country. The present jail administration in India is regulated generally by the Prisons Act of 1814 and by rules issued under it by the various Governments. Before that they were regulated by local enactments in Madras, Bombay and Bengal and by the Act of 1870 passed by the Governor General's Council, in territory immediately under the Government of India. There was, therefore, a great diversity in the jail rules and discipline, and it was the chief object of the Act of 1894 to secure uniformity so far as possible in respect of the recognized jail offences and the punishments to be inflicted. In 1896, the Government of India issued a series of rules for the regulation of jails, which had reference to the definition of prison offences, the classification of punishments, the award of marks, the shortening of sentences and a few other points. The punishments authorized by the Indian Penal Code for convicted offenders include transportation, penal servitude, rigorous imprisonment, which may include short periods of solitary confinement and simple imprisonment.

Civil and under-trial prisoners have also to be accommodated in the jails.

176. Management of Prisons.--The jails are classed under three heads, (1) central, (2) district and (3) subsidiary. Jails of the first class are intended for prisoners sentenced to one year's imprisonment. Those who are sentenced to a term of from 15 days to a year may be detained in the district jail at the headquarters of the district, while the subsidiary jails or lock-ups are meant for persons under trial and sentenced to less than 15 days' imprisonment. There is an Inspector General under each Local Government who exercises general control over the jails within his province. This official is usually a member of the Indian Medical Service and the Superintendents of central jails are generally men from the same service.

Every jail has four officers, *viz.* (1) a superintendent who looks after matters connected with discipline, labour, expenditure, punishment and control subject to the orders of the District Magistrate in the case of district jails; (2) a medical officer who has charge of the sanitary administration; (3) a medical sub-ordinate; and a (4) jailor. The first two offices may be and are generally combined in one person. Most of the district and other jails are in the charge of the Civil Surgeon of the district. There are, besides, warders and convict officers, many of the convicts being employed in this capacity as an inducement to good behaviour.

Prisoners are mostly confined in association, and one important reform contemplated by the Act of 1894 was the gradual introduction of the separate cell system. Financial difficulties have prevented the carrying out of this reform, but gradual progress is being made in that direction. The provision of cells for separate confinement has been carried farthest in Madras. Female prisoners are kept entirely separate from males; so are pri.

sioners under 18 years of age from old prisoners. A further distinction is made between boys and youths, convicted and unconvicted prisoners and prisoners civil and criminal. Prisoners are fettered only to restrain violence and the hours of work do not exceed nine. There has been a steady improvement in the health of the prison population which compares favourably with that of the general working population. The mark system under which convicts can earn remission of sentence by good conduct, was found to give satisfactory results and it was slightly modified in 1907, the remission earned being now recorded in days instead of in marks.

Convicts are mostly made to work on the jail premises and are employed on jail services and repairs and in workshops. The maximum limit of age of what are called 'youthful offenders' is 15, and offenders below that limit are either sent to reformatory schools or are delivered over to their parents' custody or are discharged with a warning. Special provision is made for teaching useful trades to another class of prisoners., viz. the 'young adults' those who are between 15 and 18 years of age. The Reformatory Schools are administered by the Education Department and care is taken to give the boys useful education so that they may be fitted for employments on leaving school. The number of youthful offenders under 15 years of age admitted to jail in 1914 was 505 as against 626 in the preceding year. The number of girl prisoners is very small, and Magistrates have been directed, as far as possible to discharge girls on admonition or deliver them to their parents or guardians.*

* "The recognition of the principle that a jail is no fitting place for adolescents (other than youthful habituals) who are above 15, and therefore ineligible for admission to the Reformatory schools, has caused several local Governments to consider a scheme for segregating young adults between the ages of 16 and 23 from other prisoners on the lines followed in the Borstal prison near Chatham. One great advantage claimed is that every boy is taught a useful trade and is provided with work on release, and is thus less likely to relapse into criminal habits."—Statistical Abstract for British India, Vol. IV.

177. Transportation.—Port Blair in the Andaman Islands is the only penal settlement where sentences of transportation are carried out. Convicts sentenced to transportation for life or for a term of years, of which six shall have still to run, may be transported to the Andamans. The Prison Committee of 1838 held that transportation should be for life only, but in 1874 the practice of sending term-convicts was re-established. A Commission of two officers appointed later on to inquire into the subject, however, recommended that the transportation of male term-convicts should be discontinued and orders were passed accordingly by the Government of India in 1891. But Government afterwards reverted to the old system in consequence of provision being made in India for enforcing close penal discipline in cellular jails.

There are five different stages in the life of a transported convict, he being promoted from one class to another above it, the rigour of the discipline and the hardness of work being moderated at each stage. An ordinary convict may earn his release after twenty years by good conduct and a dacoit after twenty-five. The penal settlement is administered by a Superintendent and a staff of subordinates and assistants. The convict population of Port Blair numbered 14,709 in 1905-06, and in 1913-14 it was 11,927. The bulk of the population consists of males and the number of females is extremely small, being 11,349 and 578 respectively. A well-behaved convict when he reaches the first class is granted a ticket enabling him to support himself, with a plot of land. He may then send for his family or marry a female convict.

In 1914, there were in India 41 central jails, 188 district jails and 533 subsidiary jails and lock-ups. The total number of prisoners of all classes received during

the year was 5,16,098 of whom 4,96,906 were males and 19,192 were females. The daily average number of all classes of prisoners was 1,08,181 and of convicted criminals, 95,260. Of the convicts sentenced to labour, 21·97 per cent. were employed as prison officers and servants and 39·28 on manufacture.

Chapter XIV.

EDUCATION.

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178. Wood's Despatch.—The existing educational system in India is based upon the principles for the first time definitely laid down in the memorable despatch of the Court of Directors of the year 1854. It is known as Sir Charles Wood's Despatch and is looked upon as the educational charter of the people of India. The systematic promotion of education in this country was, thereby, accepted as one of the duties of the State, and it was at the same time declared that the type of that education should have for its object the diffusion of the arts, science, philosophy and literature of Europe.

The purport of that document is thus summarised in the Report of the Education Commission, 1882 :—" The Despatch of 1854 commends to the special attention of the Government of India the improvement and far wider extension of education, both English and vernacular, and prescribes as the means for the attainment of these objects :—(1) the constitution of a separate Department for the administration of education ; (2) the institution

of Universities at the Presidency towns; (3) the establishment of institutions for training teachers for all classes of schools; (4) the maintenance of the existing Government Colleges and High Schools, and the increase of their number when necessary; (5) the establishment of new Middle Schools; (6) increased attention to vernacular schools, indigenous or other, for elementary education; and (7) the introduction of a system of grants-in-aid.

The attention of Government is specially directed to the importance of placing the means of acquiring useful and practical knowledge within reach of the great mass of the people. The English language is to be the medium of instruction in the higher branches, and the vernacular in the lower. English is to be taught wherever there is a demand for it and is not to be substituted for the vernacular languages of the country. The system of grants-in-aid is to be based on the principle of perfect religious neutrality. Aid is to be given, (so far as the requirements of each particular district as compared with other districts and the funds at the disposal of Government may render it possible) to all schools imparting a good secular education provided they are under good local management, and subject to Government inspection and provided that fees, however small, are charged in them. Grants are to be for specific objects, and their amount and continuance are to depend on the periodical reports of Government Inspectors.

No Government Colleges or Schools are to be founded where a sufficient number of institutions exist capable, with the aid of Government, of meeting the local demand for education; but new schools and colleges are to be established and temporarily maintained when there is little or no prospect of adequate local effort being made to meet local requirements. The discontinuance of any general system of education entirely provided by Gov-

ernment is anticipated with the general advance of the system of grants-in-aid; but the progress of education is not to be checked in the slightest degree by the abandonment of a single school to probable decay.

A comprehensive system of scholarships is to be instituted so as to connect lower schools with higher and higher schools with colleges. Female education is to receive the frank and cordial support of Government. The principal officials in every district are required to aid in the extension of education; and in making appointments to posts in the service of Government, a person who has received a good education, is to be preferred to one who has not. Even in lower situations, a man who can read and write is, if equally eligible in other respects, to be preferred to one who cannot.

179. Despatch of 1859.—The principles laid down in 1854 were re-affirmed in 1859 when the administration had been transferred from the East India Company to the Crown, and they continue to animate and guide the policy and efforts of Government in the matter of the education of the people. The Despatch of the Secretary of State for India of the year 1859 “reviews the progress made under the earlier Despatch, which it reiterates and confirms with a single exception as to the course to be adopted for promoting elementary education. While it records with satisfaction that the system of grants-in-aid has been freely accepted by private schools, both English and Anglo-vernacular, it notes that the native community has failed to co-operate with Government in promoting elementary vernacular education. The efforts of educational officers to obtain the necessary local support for the establishment of vernacular schools under the grant-in-aid system are, it points out, likely to create a prejudice against education, to render the Government unpopular and even to compromise its dignity. The soliciting of contributions from the people is declared inexpedient,

and strong doubts are expressed as to the suitability of the grant-in-aid system as hitherto in force for the supply of vernacular education to the masses of the population. Such vernacular instruction should, it is suggested, be provided by the direct instrumentality of the officers of Government, on the basis of some one of the plans already in operation for the improvement of indigenous schools or by any modification of these plans which may suit the circumstances of different provinces. The expediency of imposing a special rate on the land for the provision of elementary education is also commended to the careful consideration of the Government."

180. Indigenous System.—Though the systematic diffusion of instruction among the mass of the people is the growth of the last fifty years, at no time known to history were the inhabitants of this country an uneducated people. There have been indigenous educational institutions in India from time immemorial, though the system of instruction and its extent are sure to strike the modern mind as crude and unsatisfactory. There were great seats of Sanskrit learning where literature, theology and philosophy were taught by Pandits and there were everywhere institutions of a lower type where the sacred texts were taught. While the Hindus had their *Pathashalas*, the Mahomedans had their *Madrasas* and *Maklubs*. There were, besides these religious schools, schools in almost every village where reading, writing and arithmetic were taught to the children of every class but the lowest.

The religious institutions were supported by endowments in land, and it was a point of honour that all teaching should be free. The village school master received fees, generally in kind, from his pupils and was almost a prototype of the school master immortalized in Goldsmith's *Deserted Village*. The trading classes

tained their own schools for the instruction of their children in the rudiments of the three R's and provided for the further advance of their knowledge in the business of the shop. Even at the present day all these types of schools are to be met with throughout the whole country.

181. Western Education.—The first European impulse towards secular education is said to have come from the missionary bodies who had established themselves in Southern India towards the end of the eighteenth century. In 1781 Warren Hastings founded and endowed the Calcutta madrasa, with the special object of encouraging the study of Persian, which was then the language of courts of justice as well as of diplomacy, and ten years later was founded the Sanskrit College at Benares. All attention was thus devoted to Sanskrit and Persian learning, but no thought seems to have been taken of the village school and of mass education. The next stimulus to education came from the Act of Parliament of the year 1813 (53 Geo. III. c. 155) by which the charter of the East India Company was renewed. This statute provided that 'a sum of not less than one lac of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India.'

By this time English had been superseding Persian as the official language of the courts, and consequently the demand for instruction in that language arose in the Presidency towns. But what kind of instruction should be given to Indians and how it should be given became, for a few years, subjects of a hot controversy between the advocates of Oriental and English study : the former desired to give more liberal of Sanskrit, Arabic and Persian, to en-

courage the production of literary and scientific works on Oriental languages, and to provide for the translation of valuable books from the languages of Europe into those of India ; the latter maintained that all the higher branches of knowledge should be taught through the medium of English alone. The controversy virtually ended in 1835 with a Minute by Lord Macaulay, who was then a member of the Governor General's Council in Calcutta. 'Nothing could exceed the contempt which in his picturesque sentences he poured forth on the languages and literature of the East. That India, Arabia and Persia possessed great literatures of their own, that they have produced poets and philosophers whose works hold no mean place among the enduring monuments of human genius, these were facts which Lord Macaulay totally ignored'.†

182. Macaulay's Minute.—The controversy between Orientalists and Anglicists was concluded and the question at issue was finally settled in 1839 by a Minute of the Governor General in which it was laid down that though English was to be retained as the medium of the higher instruction in European literature, philosophy and science, the existing Oriental institutions were to be kept up in full efficiency, and were to receive the same encouragement as might be given to the students at English institutions. Vernacular instruction was to be combined with English and students were to be allowed the choice to attend whichever tuition they might prefer. "This stage of the controversy has a peculiar interest, not only as a turning point in the history of education in India, but because of the part taken in it by Macaulay, then on the Committee, and at the same time the Legislative Member of the Supreme Council. In the latter capacity Macaulay wrote a long minute replying fully to the

† Sir John Strachey.

arguments, political and educational, advanced by the Orientalists. He declared "the Government was not bound by the Act of 1813 to any particular kind of teaching, or fettered by any pledge expressed or implied, but was at liberty to employ its funds as it thought best and that the best way of employing them was in teaching what was best worth knowing, and English was better worth knowing than Sanskrit or Arabic. The Natives themselves had found this out. They would pay to learn English, but they required to be paid to be taught Sanskrit and Arabic and then thought themselves entitled to compensation from Government for having been engaged so long in so useless an acquisition. It was quite possible and very advantageous on every ground to make natives of India thoroughly good English scholars and to this end the efforts of the Committee should be directed."

"The Minute, distinguished by the brilliancy of style, the profuse illustration and incisive logic peculiar to the author, concluded with a distinct declaration that if the present system were permitted to remain unchanged, the writer would resign his seat on the Committee. The Governor General, Lord William Bentinck briefly endorsed his entire concurrence in Mr. Macaulay's views. The Minute was roughly criticised by Mr. H. T. Prinsep in a rejoinder of the 15th February which is scored over by the great essayist, who has scratched in pencil that still remains ;—'I remain not only unshaken, but confirmed in all my opinions on the general question. I may have committed a slight mistake or two as to details, and I may have occasionally used an epithet which might with advantage be softened down. But I do not retract the substance of a single proposition I have advanced.'"

183. Early Development.—It is not necessary here to give an account, interesting though it is, of the vari-

* Education in British India, Prior to 1854, and in 1870-71, by Arthur Howell.

ous educational institutions that were founded in the various parts of the country by Government or by private and missionary effort. In Madras and Bombay, for instance, the missionaries were the pioneers of education, the first school having been opened by the American Missionary Society in Bombay city in 1814. The Bombay Education Society and the Native School Book and School Society were working in the thirties of the last century in the field of European and Eurasian, and Native education respectively. When Mountstuart Elphinstone retired from the Governorship in 1827, his memory was perpetuated by the foundation of the Elphinstone College. A Sanskrit College at Poona had already been started in 1821.

Between 1855, the year of the inception of the new educational system prescribed by Sir Charles Wood's Despatch and 1882, the year of the appointment of the Education Commission presided over by Sir W. W. Hunter, great strides were made by all classes and kinds of education. During these 25 years the total number of institutions in India had multiplied more than twofold and the number of pupils nearly threefold. There were in 1855-56, 50,998 institutions and 9,53,780 pupils; the corresponding figures for the year 1881-82, were 1,14,109 and 26,43,978. The growth of schools and colleges was augmented by the development of the municipal system and by the Acts that were passed from 1865 onwards providing for the imposition of local cesses that might be applied to the establishment of schools. The Universities of Calcutta, Madras and Bombay were incorporated in 1857 by Act of the Indian Legislature and in accordance with the recommendations contained in the Despatch of 1854 and those of the Punjab and Allahabad in 1882 and 1887 respectively. Their constitution was modelled upon the University of London and was substantially the same for each.

184. The Hunter Commission.—The main object of the Education Commission of 1882 was to investigate the working of the system founded in 1854, and to ascertain the then actual position of education in India. The control of the Educational Department had been made over to the provincial Governments, and it was thought desirable to examine thoroughly the working of the new arrangements and test their results.

The Commission advised increased reliance upon, and systematic encouragement of, private effort and their recommendations were approved by the Government of India who expressed their general opinion thus :—‘It appears that the experience of nearly thirty years has brought to light no serious flaw in the general outlines of the policy laid down in 1854 and confirmed in 1869. If in any Province, unsatisfactory results are brought to notice, or if the progress made in any particular respect is shown to have been less than might have been hoped for, this will almost invariably be found to have been due to a departure from or failure to act up to the principles of the despatches upon which the whole educational system rests.’

Following the suggestion made by the Secretary of State, the Government of India had a quinquennial review prepared of the more important features of educational progress and they have issued, from time to time, fresh regulations and orders to remedy the defects disclosed by these periodical examinations. Since 1913-14 a report on the progress of education is being issued annually.

185. The Universities Commission.—Lord Curzon, when he was Viceroy, felt that the Indian educational system was full of grave defects and he took it upon himself, among his great self-imposed tasks, to adopt measures to place education in India upon a sound basis. First of all, he called an informal conference of admini-

strators and educationists at Simla in 1901 to discuss the various branches of the subject. As a sequel to this conference, the Universities Commission was appointed in 1901. A Director General of Education was appointed, the first holder of the office being Mr. H. W. Orange, and special inquiries were instituted into the system of technical education.

The recommendations of the Universities Commission which sought to alter materially the constitution of the Universities and to introduce what were regarded as radical changes, evoked a storm of opposition in the country; but they were embodied in a bill which was passed into the Indian Universities Act on March 21, 1904. Lord Curzon rounded off his work of educational reform by issuing, in the same year, a Resolution on Indian Educational policy, covering every branch of the subject and laying down principles for further guidance.*

In 1910 a separate Education Department was created and a sixth member was added to the Governor General's Executive Council to take charge of it. Before this all questions connected with education were dealt with by the Home Department of the Government of India. There being no longer any need for the post of Director General of Education, it was abolished and the staff of the office was absorbed in that of the Education Department which, besides education, is concerned with local self-government, sanitation and some other branches of the administration. A Resolution was issued by the Government of India on 21st February, 1913, in which it described the progress made by education in all its branches up-to-date and stated its views and policy with respect to future development. It is a very instructive document and deserves careful study.†

186. Educational Institutions.—There are two classes into which educational institutions in India are

* Read the fifth chapter entitled 'The fight for Educational Reform' in 'India under Curzon and after' by Lovat Fraser.

† Excerpts from the Resolution are printed at the close of this Chapter.

divided, viz., 'Public' and 'Private'. In the first class come all those institutions, whether they are under public or private management, in which the course of study conforms to the standards prescribed by the Department of Public Instruction and which either undergo inspection by the Department or present pupils at public examinations by the Department or by the University. These institutions include schools receiving grants from Government and municipalities or local boards. Institutions which do not answer to this description belong to the second class and are called 'private'.

There are three grades of public institutions, Primary schools, Secondary schools and Colleges. The first class of schools give instruction in the three R's and impart general elementary knowledge. Secondary schools may be divided into English and vernacular according as English forms in them a part of regular course of study or not. The second division of secondary schools is into high and middle schools, the former teaching up to the Matriculation or school-leaving certificate standard and the latter stopping at a lower stage. Besides these, there is a variety of special institutions, such as technical, engineering, medical, commercial &c. The following table presents a comparative view of the general educational position in 1902 and 1916 :—

	1902.		1915-16	
	Institu- tions.	Scholars.	Institu- tions.	Scholars.
Primary schools	98,639	32,72,010	1,38,089	56,38,244
Secondary Schools	5,510	5,61,068	7,272	11,28,403
Special (Training and other)	1,078	35,180	5,641	16,072
Colleges	192	23,229	199	55,489
Private	43,160	6,38,991	38,647	6,34,288
Total ...	1,48,549	45,30,548	1,89,248	76,17,496

"Comparison with the remoter past is complicated by the fact that in 1914-15 the decision to exclude figures for Native States wrought a decrease of about 41,000 institutions, a third of a million pupils and some 30 lakhs of expenditure. But the following comparisons are possible and significant. First, the three years 1911-1914 represent the period during which large grants were being allotted for education. The average increase of pupils during each of these years was 3,90,855. In the year 1914-15 imperial grants were still being made available. But in the same year the war broke out and the basis of collecting statistics was changed. Owing mainly to the last cause, the numbers apparently dropped from 7,518,147 to 7,445,419; but, had the figures for Native States not been discontinued, this decrease would have been converted into an increase of some 2,60,000 pupils. The year 1915-16 was one of great financial stringency and the increase, though still continued, fell to 16,91,077. It is remarkable that the increase among girl-pupils (though in itself small) is proportionately far higher than that among boy-pupils. Last year 5.1 per cent. of the male population, 0.94 of the female and 3.06 of the whole population were under instruction. This year the answering figures are 5.2, 1.0 and 3.1."

In spite of the advance disclosed by these figures, there is an immeasurable field for the diffusion of education in India and the need of expansion is being most keenly felt. Provision for education is not adequate to the demand and there is great overcrowding. As to literacy, taking India as a whole, in 1911 rather more than one male in ten and one female in a hundred, could read and write; less than one male in a hundred and one female in a thousand could read and write English.

187. Compulsory Education.—The prevalence of illiteracy is a serious stumbling block in the path of

the country's progress in every direction and the attention of the people and the Government has been prominently drawn, within recent years, to the urgency of a wider diffusion of elementary education among the masses. It is true that the total number of public primary schools increased between 1901-2 and 1911-12 by over 25 per cent., and the number of pupils attending them by over 50 per cent.; while the total number in the primary stages of instruction increased by 54 per cent.

But the state of things disclosed by the figures of literacy quoted above is nothing but most unsatisfactory, and more vigorous measures than the Government is at present inclined to take, have been urged upon its attention. The introduction of the principle of compulsory primary education, fenced in with all possible reasonable limitations and to be steadily and cautiously acted upon, has been suggested as a remedy, but it has not commended itself to the Supreme Government as well as to the Local Governments. In moving that his Bill, to make better provision for the extension of elementary education, be referred to a Select Committee, the Hon'ble Mr. Gokhale observed in the Viceregal Council on 18th March, 1912 :—

“ My Lord the policy of the Government of India in this matter, as I have already observed, is now a fixed one. The Government of India have accepted in the most solemn and explicit manner the responsibility for mass education in this country. The educational despatch of 1854, the education Commission's report of 1882, with the Resolution of the Government of India thereon and the Resolution of Lord Curzon's Government of 1904, all speak with one voice on this point, namely, that the education of the masses is a sacred responsibility resting upon the Government of India. When we, however, come to consider the extent of the field which has so far been covered, I feel bound to say that the progress made is distinctly disappointing. Taking the figures for 1901, the beginning of this century, and that means after 50 years of educational efforts, the number of boys at school in this country was only about 32 lakhs, and the number of girls only a little over 5 lakhs. Taking only 10 per cent.—not 15 per cent. as they take in the West and as they do in official publications, even in India, taking only a modest 10 per cent.—as the proportion of the total popula-

tion that should be at school, I find that in 1901 only about 27 per cent. of the boys and about $4\frac{1}{2}$ per cent. of the girls that should have been at school were at school. During the last ten years, elementary education has no doubt been pushed on with special vigour and the rate of progress has been much faster. Even so what is the position to-day? From a statement which was published by the Education Department the other day, I find that the number of boys at school has risen during these ten years from 32 lakhs to a little over 40 lakhs, and the number of girls from 5 lakhs to a little under 7 lakhs. Taking the new census figures of our population, this gives us for boys a proportion of 31 per cent. and for girls $5\frac{1}{4}$ per cent. Taking the proportion of total school attendance to the total population of the country, we find that the percentage was only 1.6 ten years ago and it is now no more than 1.9. My Lord, all the local Governments have stated that we must adhere to the present voluntary basis for extending primary education, and the Bombay Government professes itself to be very well pleased with the rate at which it is moving in the matter. A small calculation will show how long it will take for every girl of school-going age to be at school at the present rate. I have stated just now that during the last year the number of boys at school has risen from 5 to under 7 lakhs or an increase of about $1\frac{1}{4}$ lakhs. This gives us an annual increase for boys of 75,000 and for girls of 17,000. Assuming that there is no increase of population in the future—absolutely no increase of population—an obviously impossible assumption—even then at the present rate a simple arithmetical calculation will show that 115 years will be required for every boy and 665 years for every girl of school-going age to be at school. Even in Bombay where things are slightly more advanced, it will take at least 75 years for every boy of school-going age between 6 and 10 years of age to be at school."

For financial, administrative and other reasons, Government have refused to recognise the principle of compulsory education, though they have placed the extension of elementary education in the fore-front of their programme. The proposal, be it remembered, was not to introduce free and compulsory education everywhere with one stroke; it was to allow certain municipalities that might be ripe for the measure to make primary education compulsory within their areas and to meet additional expenditure by fresh taxation, Government finding a certain proportion of the required funds. What was demanded was a definite programme and a more accelerated speed.

188. Secondary Schools.—As regards Secondary Schools, the vernacular middle schools stand apart, and

are a continuation of the primary course completing the instruction of those who do not want to go in for an English education. The following figures for 1915-16 show the present position of secondary education :—

FOR BOYS :			Schools.	Pupils.
High Schools ...	...	...	1,440	503,063
Middle English Schools	...	...	2,773	317,762
Middle Vernacular Schools	...	...	2,419	235,613
FOR GIRLS:				
High Schools ...	...	...	158	22,872
Middle English Schools	...	...	222	22,272
Middle Vernacular Schools	...	...	260	26,821
Total			7,272	11,28,403

A large proportion of the pupils attending secondary schools are in the primary stages of instruction. Being called upon largely to devote the energies of the State and the bulk of its available resources to the promotion of primary education, Government rely, as far as possible, on private enterprise in regard to secondary education. Their policy in this respect has been summarised as ‘ the encouragement of privately managed schools under suitable bodies, maintained in efficiency by Government inspection, recognition, and control, and by the aid of Government funds.’

The reform of secondary schools has latterly engaged the attention of Local Governments. The system has now been over-hauled by suitable changes in the courses of study, by the introduction of new subjects into them and by making the instruction more practical and living. The fees in aided schools have been increased and grants-in-aid to them have been made more liberal so as to enable them to spend more upon equipment and to engage trained and efficient teachers. It is,

however, believed that the system of secondary education is still unsatisfactory and that the quality of the products of the high schools, require a good deal of improvement. .

189. The School Final.—The aim of the School Final Examination course has been to give to pupils who do not aspire to prosecute their studies at a College, practical education that will be complete in itself and will fit them for the ordinary walks of life. In Madras the secondary school-leaving certificate scheme has been instituted. 'The certificate is intended to give as complete evidence as possible of the character of a boy's school career and takes account of conduct and of the work done at school as well as of the results of the final public examinations, which are, moreover, devised with a view to guarding against the effects attributed to the Matriculation examination.' The scheme is yet in a stage of trial. Holders of the certificates are held specially eligible for Government service, while a pass in the Matriculation examination is excluded from the qualifications of such service.

Similarly, in Bombay the School Final examination has been declared as the sole qualification for Government service and the Matriculation has been dislodged from the position of privilege at one time it occupied. All efforts on the part of Government to make the School Final examination successful apparently failed. After an amount of discussion, the Government and the University of Bombay have at last agreed to the appointment of a Joint Board, on which the latter body will have a preponderating voice, for conducting the Matriculation and School Final examinations. A scheme of examination for school-leaving certificates was introduced in the United Provinces, and 325 candidates presented themselves at the first examination held in 1910. The number of School Final candidates in Bombay was 1,717 in 1911-12 as against 1,162 in

1901-02. The total number of candidates for the leaving certificate was 10,065 in 1915-16, and out of this number 7,150 were successful.

The position as regards 'special' schools is reflected in the following figures :—

	1902.		1915-16.	
	Institutions	Scholars.	Institutions	Scholars.
Training schools for masters ...	134	4,417	684	15,426
Training schools for mistresses...	46	1,292	92	2,306
Schools for Art ...	7	1,399	8	1,659
Law schools ...	5	41	2	285
Medical schools ...	22	2,727	32	4,151
Engineering & Surveying schools	31	1,175	18	77
Technical and Industrial schools.	84	4,977	237	12,685
Commercial schools ...	10	552	65	36,47
Agricultural schools ...	4	211	2	11
Reformatory Schools			7	1227
Other schools ...	735	18,389	44,95	1,19,117
Total ...	33,180	33,180	6,205	1,80,166

190. The Universities.—Reference has been made in a previous paragraph to the educational reforms of Lord Curzon, to the Universities Commission and to the Indian Universities Act of 1904. The five Indian Universities have been, from the beginning, merely examining bodies, taking no part in teaching. Each has a number of Colleges affiliated to it, there being in 1912, 47 in the United Provinces, 46 in Bengal, 35 in Madras, 19 in the Punjab, 15 each in Bombay and Eastern Bengal and Assam, 6 in the Central Provinces and 2 in

Burma. Except in Bengal, where the Governor General is Chancellor of the Calcutta University, the head of the province in which a University is situated is its Chancellor. There is, besides, a Vice-Chancellor who is nominated by Government and presides over the Senate which is a deliberative body. In these three is the government of the University vested while the Syndicate, consisting of the Vice-Chancellor and a number of Fellows, is the executive body. Members of the Senate belong to various faculties.

Lord Curzon's Government felt that the functions of Universities ought not to be limited, as they then were, to the examination of students and the conferring of degrees upon them. The Act of 1904, therefore, widened the sphere of the activities of the Universities by including in them the making of provision for the instruction of students, the equipment and management of University laboratories and museums, the making of regulations relating to the residence and conduct of students and generally the promotion of study and research. Since that time, the importance of having in India residential and teaching Universities has been accepted and though it is surrounded with certain difficulties in the existing condition of India, the system will be tried in the new Universities.

This question could not, however, be taken up ten years ago, and the Universities Act went on to lay down strict conditions as to the affiliation of colleges and their periodical inspection. The Act remodelled the senates, syndicates and faculties of all the Universities, and introduced into them a larger element of men closely connected with education. The official element thus came to preponderate in the senates, and this reform was therefore subjected to much adverse criticism. About four-fifth of the members of those bodies, who usually

number from 75 to 100, are nominated by Government, and the remainder are elected by the body of graduates of the University, or by the senates and their faculties.

In pursuance of the provisions of the Act of 1904, colleges are periodically inspected by committees, and attempts are being made to provide larger accommodation for students residing in hostels attached to colleges. As in Bombay, the curricula have been overhauled and the number of examinations, which throw an undue and unnecessary burden upon students, has been cut down. Arrangements have been made for the teaching of certain subjects to M. A. students and scientific education has been encouraged. Other changes have been adopted or are in contemplation with a view to bringing higher education in India in a line with the up-to-date systems and methods of the Western seats of learning.

The existing provision for University education is not adequate to the ever-growing demand, and new seats of learning and teaching will have to be founded in parts of the country where there are at present no facilities. There is thus a crying need for Universities* at Patna, Nagpur and Rangoon and it is possible that in the future, certain efficient and flourishing colleges may be converted into separate Universities. The ideal accepted seems to be that of a teaching and residential University and it cannot be attained unless there are in India a sufficient number of these institutions scattered throughout the land. The position of collegiate education is exhibited in the following table :—

		1915-16		Scholars
		Institutions		
Arts Colleges				
English	...	... 119	...	43,989
Oriental	...	... 28	...	1,829

* Mysore has now a University of its own, and a separate University at Poona, with its large number of students and its educational atmosphere, cannot be regarded as a mere dream.

Professional Colleges

Law	...	...	22	...	4,557
Medicine	...	...	5	...	2,096
Engineering	...	...	4	...	1,269
Technical	...	...	12	...	774
Agriculture	...	...	5	...	437
Veterinary	...	...	2	...	265
Commercial	...	...	1	...	185
Forestry	...	...	1	...	61
Total			199	...	55,489

191. Industrial Education.—The need of technical, industrial and commercial education has been emphasised within recent years, and Government have been called upon to establish fully equipped technological institutes in all the provinces. We have, in Bombay, the Victoria Jubilee Technical Institute and a scheme for its expansion and reorganization has been sanctioned. Every province is now trying to do something in this direction. Then there are the Government Schools of Art at Calcutta, Madras, Bombay and Lahore. A Commercial College has also been started in Bombay and degrees in Commerce have been instituted. The Indian Institute of Science at Bangalore was started with the object of bringing science to the aid of Indian arts and industries. State technical scholarships were instituted in 1903 and selected Indian students are sent to Great Britain to receive technical training there. A committee was appointed to examine the working of this system of technical scholarships with Sir Theodore Morison as chairman, and it has recommended the continuation of the system with certain modifications, the results yielded during the past few years having proved satisfactory.

Connected with this inquiry, there was another instituted in this country to find out what were the open

ings available to technically trained Indians in the various industries in India and to suggest how technical institutions might be brought into closer relations with the employers of labour. It is not possible within the space available to us to survey the whole field of professional, industrial and technical education. Suffice it to say that we are in this matter only at the beginning of things. This species of education is intimately associated with the economic condition of the country. The progress that India is slowly but surely making, is bound to create a larger demand for a systematic and liberal provision for technical and industrial education. For more detailed information on some of the subjects treated in this and other paragraphs, we have to refer the reader to the Government Resolution, excerpts from which are printed at the end of this Chapter.

192. Progress in Other Directions.—Female education has had to struggle in India against great difficulties of prejudice and social customs. But the prejudice is steadily giving way to new ideas and the education of girls is making considerable progress. In 1902 the total number of girls under instruction was 4,46,098, whereas ten years later it had increased to 9,53,981, and in 1915-16 to 11,86,281. The bulk of the female pupils are in the primary schools beyond which they cannot go owing to the custom of early marriage. Among Europeans and Anglo-Indians, the number of girls at school is not much below that of boys. Among Indian Christians and Parsees the proportion is 1 to 2 ; among Brahmins and Budhists it is 1 to 5 or 6 while among other people it is much lower still.

The awakening which has recently come upon the Mahomedan community, has led to a remarkable increase in the number of Mahomedan pupils. The total number of Moslem pupils in all classes of institutions was 9,79,000

in 1902, and it went up to 15,62,000, i. e. by nearly 60 per cent. in the next ten years and it was 17,67,783 in 1915-16. The education among other communities, which have long been backward, is also making progress though, not of course, in the same proportion.

As to religious education, the attitude of the British Government is one of perfect neutrality. But many people look with alarm at the neglect of the development of the moral and religious faculties of the young generation and the social disintegration and moral decadence which, they think, has resulted from the existing secular system of State education. The need of religious education is supplied in missionary and denominational institutions and provision will be made for it in the new Hindu and Mahomedan Universities. Grave doubts are, however, expressed by many thoughtful men as to the practicability and utility of this species of instruction and provision for it in Government institutions is not, of course, to be thought of.

There is a greater degree of agreement on the question of moral education though here too there is much scepticism as to the results of direct moral teaching. The end can be and is being attained in many indirect ways. The Government of Bombay took up this question in earnest and they contemplated practical steps to provide for systematic moral teaching in schools. The dominant feature of recent educational progress is the liberality with which the Government of India has been making grants to provincial Governments to enable them to undertake schemes of reform. The public expenditure on education was doubled between the years 1901-02 and 1911-12 and stood at Rs. 11,08,29,249 in 1915-16. Of this amount, about Rs. 6½ crores was contributed by public funds, provincial, local and municipal and a little more than Rs. 4½ crores by private funds viz. fees, subscriptions, endowments &c.

The surpluses of the Government of India have enabled them to make permanent and recurring grants to the local Governments for the furtherance of education, and the latter have undertaken schemes of educational advance which, without such financial assistance, they would not have been in a position to contemplate. A total of about Rs. 5 crores non-recurring and a total of Rs. $4\frac{1}{2}$ crores recurring, represent the grants made in the seven years ending in 1917, and the annual recurring allotment now amounts to Rs. $1\frac{1}{2}$ crores.

193. The University Movement.—The need of establishing in India, Universities of a new type, in response to the growing demand for higher education and for educational institutions that will conform to up-to-date Western models, has been urgently felt for some years, and our new Universities will be predominantly teaching and residential bodies. The University movement has also been stimulated by the anxiety of certain people to make provision for religious instruction in colleges.

The idea of starting a denominational University, which has been disapproved by some men whose opinion is entitled to much weight, was first started by the leaders of the Mahomedan community who proposed to convert their Aligarh College into a Moslem University. Funds were collected for the purpose, but the further progress of the scheme was stopped by certain differences of view which arose between the promoters of the University and the Government, in connection with its constitution, scope and powers.

In the meantime, the Hindu community, which had been contemplating the establishment of a similar University, went to the work of raising funds with a will, and though its organizers had to encounter the same difficulties as their Moslem brethren, frequent interchange of views and mutual concessions at last brought

the idea of the Hindu University within the pale of practical politics. In introducing the Benares Hindu University bill in the Viceregal Council, Sir Harcourt Butler observed :—

“ We are watching to-day the birth of a new, and many hope, a better type of University in India. The main features of this University which distinguish it from existing Universities will be, first, that it will be a teaching and residential university, secondly, that while it will be open to all castes and creeds it will insist upon religious instruction for Hindus, and thirdly, that it will be conducted and managed by the Hindu community and almost entirely by non-officials. Let not this be taken as disparaging the work of existing universities. That would, indeed, be gross ingratitude and sheer injustice. India owes much to her Universities in every department of intellectual life and energy. They were based on the latest model, the London University, then recently founded and much admired and only lately condemned by Lord Haldane's great commission on University education in London, as fundamentally defective. The best minds in India are, I think, now in agreement that teaching and residential universities are the special need of India to-day.”

The provisions of the Benares Hindu University Act did not pass uncriticised. “Objections were raised to the amount of control retained by Government, to the multiplicity of governing bodies, to the composition of the court, to the lack of guarantee of an effective standard and to the express recognition of the degrees of this as equal to those of the older universities. These criticisms, however, found expression mainly in opinions received from various bodies and persons consulted rather than in the Legislative Council.”* The Patna University bill was introduced in the Viceregal Council in 1916, but its provisions were so unsatisfactory that the Select Committee made drastic changes in it mainly in the constitution of the Senate and the Syndicate and in the matter of control. Progress has also been made with regard to schemes for universities in Burma and the Central Provinces.

In closing this Chapter it is necessary to refer to a change recently made in the organization of the Imperial Department of Education. When the Department was

* Report on Indian Education in 1915-16.

first constituted in 1910, it consisted of a Member, a Secretary, a Joint Secretary and an Assistant Secretary, the Joint Secretary replacing the Director General of Education created in Lord Curzon's time. The new arrangement was avowedly provisional, and the first duty to which the Department addressed itself was the formulation of a general statement of educational policy. That work having been accomplished, the Government of India has reverted to the old system.

The Director General of Education, by means of his tours and in other ways, is supposed to have done very valuable work in co-ordinating and stimulating educational progress in the country and, therefore, the post will be retained, only under a different name, viz. the Educational Commissioner with the Government of India. Besides the Education Member, there will now be only one Secretary instead of two as before, and the functions of advice will be discharged by the Commissioner. There will be two Assistant Secretaries, one with a general knowledge of administration and the other with special knowledge of educational work. There will also be a Bureau of Education with a curator. By its inquiries the Bureau is expected to keep in touch with educational movements in the Empire and to diffuse useful information in India.

194. Resolution of 1913.—We have no space to print the whole of the important Resolution issued by the Government of India on 21st February, 1913. The following are excerpts from that Resolution:—

Diverse Conditions.

The Government of India have decided, with the approval of the Secretary of State, to assist the local Governments by means of large grants from the Imperial revenues, as funds become available, to extend comprehensive systems of education in the several provinces. Each province has its own educational system, which has grown up under local conditions and become familiar to the people as a part of their general well-being. In view of the diverse social con-

dition in India there cannot in practice be one set of regulations and one rate of progress for the whole of India.

Recent Progress.

The defects of the educational systems in India are well-known and need not be re-stated. They have been largely due to want of funds. Of late years there has been a real progress in removing them. In the last decade the total expenditure from all sources on education has risen from 4 crores to nearly 7½ crores. The progress has been especially great since Lord Curzon's Government introduced large measures of educational reform. In the last four years the number of those under instruction has increased from about 5½ to 6¼ millions. Again, the formerly crushing weight of examinations has been appreciably lightened; a commencement has been made in the reform of university and college organization and the grants from public funds to private institutions have almost doubled in the past nine years.

Formation of Character.

In the forefront of their policy the Government of India desire to place the formation of the character of the scholars and the under-graduates under tuition. In the formation of character the influence of home and the personality of the teacher play the largest part. There is reason to hope in the light of acquired experience that increased educational facilities under better educational conditions will accelerate social reform, spread female education and secure better teachers.

Religious and Moral Instruction.

The question of religious and moral instruction was discussed at a local conference held in Bombay and subsequently at the Imperial Conference held at Allahabad in February, 1911. Grave difference of opinion emerged as to the possibility of advantage of introducing direct religious instruction into schools generally and apprehensions of difficulty in the working of any definite system were put forward. Doubts were also expressed as to the efficacy of direct moral instruction when divorced from religious sanctions. In the matter of moral teaching, however, the difficulties are undoubtedly less than in the case of religious teaching. The papers laid before the conference indicate that not a little moral instruction is already given in the ordinary text books and in other ways. For the present the Government of India must be content to watch the experiment and keep the matter prominently in view. Enlightened opinion and accumulated experience will, it is hoped, prove a practical solution to what is unquestionably the most important educational problem of the time.

Hostels and School Buildings.

There has been real progress of late years in the provision of hostels. In the last decade the numbers both of hostels and of resident male students have nearly doubled and now stand at over 2,200 and over 78,000, respectively. The Government of India desire to see the hostel system develop until there is adequate residential accommodation attached to every college and secondary school in India. The Government of India hope that the time is not far distant when educational buildings will be distinguished as the most modern and commodious buildings

in the locality, and scholars in India will have the advantages in this respect of scholars in the west. The influence for good of clear, well-arranged buildings with the concomitant domestic discipline can scarcely be exaggerated.

The Claims of Hygiene.

The claims of hygiene are paramount not only in the interests of the children themselves, though these are all-important, but also as an object-lesson to the rising generation. Hitherto want of funds and the apathy of the people have been responsible for the comparatively small attention paid to hygiene in some provinces. The Government of India commend to local Governments a thorough enquiry by a small committee of experts, medical and educational, into school and college hygiene. The scope of the enquiry will, no doubt, vary in different parts of India, but the following seem to be important matters for investigation: (1) The condition of school houses, hostels and other places where pupils reside from the point of view of sanitation; (2) the professional examination of building plans from the hygienic point of view; (3) the introduction of a simple and more practical course of hygiene—whether it should be a compulsory subject in the various schemes of school leaving certificates and whether it should be recommended to universities as part of their matriculation examination; (4) the inspection, where possible, of male scholars with special reference to infectious diseases, eyesight and malaria; (5) the length of the school day, home studies and the effect upon health of the present system of working for formal examinations; (6) the requirements in the way of recreation grounds, gardens, gymnasias, reading rooms, common-rooms, etc.; (7) the inspecting and administrative agency required; (8) the possibility of co-operation with existing organisations, and (9) the provision of funds.

Three Cardinal Principles.

Three other cardinal principles of policy may here be stated:—(1) The steady raising of the standard of existing instruction should not be postponed to increasing their number when the new institution cannot be efficient without a better trained and better paid teaching staff; (2) the scheme of primary and secondary education for the average scholar should steadily, as trained teachers become available, be diverted to more practical ends, *e.g.* by means of manual training, gardening, out-door observations, practical teaching of geography, school excursions, organised tours of instruction, etc., and (3) provision should be made for higher studies and research in India so that Indian students may have every facility for higher work without having to go abroad.

Facilities for Research.

The provision of facilities for research cannot be postponed in almost any branch of science and the arts in philosophy, history, geography, languages, literature, economics, sociology, medicine, public health, agriculture, biology, geology, botany and in all the sciences applied to industry.

Elementary Education.

The propositions that illiteracy must be broken down and that primary education has in the present circumstances of India a predominant claim upon the public funds, represent an accepted policy no longer open to discussion.

Guiding Principles

For guidance in the immediate future with the necessary modification due to local conditions the Government of India desire to lay down the following principles in regard to primary education :—

- (1) Subject to the principle stated in paragraph (2) *supra*, there should be large expansion of lower primary schools teaching the three R's with drawing, knowledge of the village map, nature study and physical exercises.
- (2) Simultaneously upper schools should be established at suitable centres and lower primary schools should, where necessary, be developed into upper schools.
- (3) Expansion should be secured by means of board schools except where this is financially impossible when aided schools under recognised management should be encouraged. In certain tracts liberal subsidies may advantageously be given to Makhtabs, Patshalas and the like which are ready to undertake simple vernacular teaching and general knowledge. Reliance should not be placed upon venture schools, unless by subjecting themselves to suitable management and to inspection they earn recognition.
- (4) It is not practicable at present in most parts of India to draw any great distinction between the curricula of rural and of urban primary schools, but in the latter class of school there is a special scope for the practical teaching of geography, school excursions, etc., and nature study should vary with the environment. And some other form of simple knowledge of the locality might advantageously be substituted for the study of the village map. As competent teachers become available a greater differentiation in the courses will be possible.
- (5) Teachers should be drawn from the boys whom they will teach. They should have passed the middle vernacular examination or been through a corresponding course and should have undergone a year's training. Where they have passed through only the upper primary course and have not already had sufficient experience in a school a two years' course of training is generally desirable. This training may be given in small local institutions, but preferably, as funds permit, in large and more efficient central normal schools. In both kinds of institutions, adequate practising schools are a necessary adjunct and the size of the practising school will generally determine the size of the normal school. As teachers left to themselves in villages are liable to deteriorate there are great advantages in periodical inspection and improvement courses for primary school teachers during the school vacations.
- (6) Trained teachers should receive not less than Rs. 12 per month (special rates being given in certain areas). They should be placed in a graded

service and they should either be eligible for a pension or admitted to a provident fund.

- (7) No teacher should be called on to instruct more than fifty pupils preferably the number should be 30 or 40 and it is desirable to have a separate teacher for each class or standard
- (8) The continuation schools known as middle or secondary vernacular schools should be improved and multiplied.
- (9) Schools should be housed in sanitary and commodious but not in expensive buildings.

Vernacular Continuation Schools.

Vernacular continuation schools are the only entrance to more advanced study which does not demand acquaintance with a foreign language and it is in them that competent teachers for primary schools will be prepared. Technical and industrial progress also is likely to create numerous openings for men with a good vernacular education. In certain provinces owing to the popularity and cheapness of English education these institutions have declined but in the whole of India, in the last decade, the number of schools has increased from 2,135 to 2,666 and that of their scholars from over 1,77,000 to close on 2,57,000. In some provinces special classes have been opened in secondary English schools for scholars who have been through the whole course at a vernacular continuation school in order to enable them to make up the ground in English. There is much experience to the effect that scholars who have been through a complete vernacular course are exceptionally efficient mentally.

A Programme of Extension.

It is the desire and hope of the Government of India to see in the not distant future some 91,000 primary public schools added to the 1,00,000 which already exist for boys and to double the $4\frac{1}{2}$ millions of pupils who now receive instruction in them. For purposes of the present calculation a sum of Rs. 375 per annum may be taken as a rough approximation of the probable average cost of maintenance of a primary board school. This figure provides for two teachers, one on Rs. 15 and the other on Rs. 12 per month and Rs. 4 per month for the purchase of books and stationery, petty repairs, prizes, and for necessary contingencies. This is, however, only an average figure for the whole of India. In India as a whole the average cost of a board or municipal school is at present Rs. 315 per annum. In Bombay the average cost of a primary school under any kind of management is now about Rs. 437; but this figure includes the cost of the higher classes, which in some other provinces are classed as middle or secondary vernacular classes.

Education of Girls.

The education of girls remains to be organised. In 1904 the Government of India remarked that peculiar difficulties were encountered in this branch of education owing to the social customs of the people, but that, as a far greater proportional impulse is imparted to the educational and moral tone of the people by the education of women than by the education of men, a liberal treatment had been accorded for girls in respect of scholarships and fees.

The number of girls under instruction has risen from 4,44,470 in 1901-02 to 8,64,363 in 1910-11. But the total number still remains insignificant in proportion to the female population.

General Considerations.

The immediate problem in the education of girls is one of social development. The Governor General-in-Council recommends the following principles for general consideration : (*a*) the education of girls should be practical with reference to the position which they will fill in social life ; (*b*) it should not seek to imitate the education suitable for boys nor should it be dominated by examinations ; (*c*) special attention should be paid to hygiene and the surroundings of school-life ; (*d*) the services of women should be more freely enlisted for instruction and inspection ; and (*e*) continuity in inspection and control should be specially aimed at.

The difficulty of obtaining competent schoolmistresses is felt acutely in many parts of the country. In this connection it has been suggested that there is a large opening for women of the domiciled community who have a knowledge of the vernacular and who might be specially trained for the purpose.

Secondary Education.

The importance of secondary English and in particular of high school education is far-reaching. Secondary education of one grade or another is the basis of all professional or industrial training in India. The inferior output of secondary schools invades colleges and technical institutions and hinders the development of higher education.

The improvement of secondary English education has for some time occupied the attention of the Government of India and the local Governments.

In the last nine years the number of secondary schools has increased from nearly 5,500 to over 6,500 and the number of scholars from 6,22,000 to 9,00,000. The policy of Government is to rely so far as possible on private enterprise in secondary education.

The Education Commission of 1882, agreed that whatever degree of withdrawal from the provision of education might be found advisable there should be no relaxation of indirect but efficient control by the State. The admixture of private management and State control was again emphasised in the resolution of 1904. The policy may be summarised as the encouragement of privately managed schools under suitable bodies, maintained in efficiency by Government inspection, recognition and control and by the aid of Government funds.

Some idea of the extension of private enterprise may be gained by the reflection that of 3,852 high and middle English schools only 286 are Government institutions. Admisible schools have been and are maintained by Missionaries and other bodies, but the underlying idea of the grant system, the subvention of local organised effort, has not always been maintained. Schools of a money-making type, ill-housed, ill-equipped and run on the cheapest lines have in certain cases gained recognition and eluded the control of inspection. Schools have

sprung into existence in distinctive competition with neighbouring institutions. Physical health has been neglected and no provision has been made for suitable residential arrangements and play-fields. Fee rates have been lowered, competition and laxity in transfer have destroyed discipline, teachers have been employed on rates of pay insufficient to attract men capable of instruction or controlling their pupils. Above all the grants-in-aid have, from want of funds often been inadequate. No fewer than 360 high schools with 80,247 pupils are in receipt of no grant at all and are maintained at an average cost of less than half that of a Government school, mainly by fee-collections.

Secondary Educational Policy.

Subject to the necessities of variation in deference to local conditions the policy of the Government of India in regard to the secondary English schools is :—

- (1) To improve the few existing Government schools by (a) employing only graduates or trained teachers, (b) introducing a graded service for teachers of English with a minimum salary of Rs. 40 per month and a maximum salary of Rs. 400 per month; (c) providing proper hostel accommodation, (d) introducing a school course complete in itself with a staff sufficient to teach what may be called the modern side with special attention to the development of a historical and a geographical sense, (e) introducing manual training and improving science teaching;
- (2) to increase largely the grants-in aid and in order that aided institutions may keep pace with the improvements in Government schools on the above-mentioned lines and to encourage the establishment of new aided institutions where necessary;
- (3) to multiply and improve training colleges so that trained teachers may be available for public and private institutions;
- (4) to found Government schools in such localities as may, on a survey of local conditions and with due regard to economy of educational effort and expense, be proved to require them.

The Government of India also desire that the grant-in aid rules should be made more elastic so as to enable each school which is recognised as necessary and conforms to the prescribed standards of management and efficiency to obtain the special assistance which it requires in order to attain the fullest measure of utility

Remodelled School Course.

The introduction of a school course complete in itself and of a modern and practical character, freed from the domination of the Matriculation examination, was recommended in the first instance by the Education Commission of 1882.

The figures for 1901-02 and 1910-11 are :—1901-2—School Final (candidates)—Madras and Coorg 194; Bombay 1162, Central Provinces 52; Matri-

culuation (candidates)—Madras and Coorg 76,82 ; Bombay 37,31 ; United Provinces 1,704 ; Central Provinces 473 , 1910-11—School Final (candidates) Madras and Coorg, 7,317 ; Bombay 1,360 , United provinces 948 Central Provinces 338 ; Matriculation (candidates)—Madras and Coorg 782 ; Bombay 3,76 ; United provinces 2,206 ; Central Provinces 722. In other provinces the School Final examination has not yet been established except for special purposes. The total number of candidates in 1910-11 for the School Final examination of leaving certificate in all British Provinces was 10,161. that of candidates for Matriculation was 16,952 ; secondary English school leaving certificate 25.

Examinations.

The principal objects of the school examination are adaptability to the courses of study and avoidance of cram. In those Provinces in which a school final examination or school leaving certificate has not been introduced the Government of India desires that it should be introduced as soon as practicable. The three principles laid down by the Indian Universities Commission in Paragraph 170 of their report are:—

(1) The conduct of a school final or other school examination should be regarded as altogether outside the functions of a university.

(2) It would be of great benefit to the Universities if the Government would direct that the Matriculation examination should not be accepted as a preliminary or full test for any post in Government service. In cases where the Matriculation qualifies for admission to a professional examination the School Final examination should be substituted for it.

(3) It would be advantageous if the School Final examination could, in the cases of those boys who propose to follow a university career, be made a sufficient test of fitness to enter the University. Failing this, the best arrangement would appear to be that the matriculation candidate should pass in certain subjects in the School Final examination and be examined by the University with regard to any further requirements that may be deemed necessary.

Externas Examinations.

The value of external examinations cannot be overlooked. It sets before the teacher a definite aim and it maintains a standard, but the definite aim often unduly overshadows instruction, and the standard is necessarily narrow and, in view of the large numbers that have to be examined, must confine itself to mere examination achievement without regard to mental development or general growth of character. On the other hand, the drawbacks of external examinations are becoming more generally apparent. They fail especially in India in that they eliminate the inspecting and teaching staff as factors in the system ; that they impose all responsibility upon a body acquainted but little (if at all) with the school examined ; that they rely upon written papers which afford no searching test of intellect and no test at all of character or general ability and that they encourage cram.

Combination Required.

A combination of external and internal examinations is required. The Government of India consider that in the case of a school recognized as qualified to present candidates for a school-leaving certificate, a record should be kept of the progress and conduct of each pupil in the highest classes of the schools and that the Inspector should enter his remarks upon these records at his visits and thus obtain some acquaintance with the career of each candidate during the two or three years before examination. These records, together with the marks obtained by pupils at school tests, would be valuable and would not only supplement the test conducted partly through written papers on the more important subjects of instruction but also orally; and with regard to the pupil's past career the oral examination would be conducted by the Inspector in consultation with members of the staff. Next to the improvement of the pay and prospects of teachers which must accompany and even precede its introduction, this is perhaps, the most important reform required in secondary English education.

Technical Education.

No branch of education at present invokes greater public interest than technical and industrial education. Considerable progress has been made since 1904. Existing educational institutions have been overhauled and equipped for new courses. Scholarships tenable in Europe and America have been established. Industrial schools have been opened in several provinces. Altogether the number of technical and industrial schools has risen since 1904 from 88 to 218, and the number of pupils from 5,072 to 10,535.

The system of technical scholarships-tenable abroad is still on trial. From the information available, it appears that, of 73 scholars sent abroad, 36 have not returned to India while 18 are at present industrially employed in India.

The Government of India accept that progress should continue along the line generally followed hitherto, viz. that—

(1) The Indian Institute of Science which provides for research, the application of new processes, and the production of thoroughly trained managers should be developed as opportunity offers and become eventually a complete faculty of pure and applied science.

(2) The larger Provincial institutions which attract students from different parts of India and afford instruction in practical methods of management and supervision should, in the first instance, specialise along lines converging on local industries—a plan which will prevent overlapping and make for economy.

(3) The lesser industrial schools, minor weaving institutions, such of the schools of art as have an industrial bent, the artisan classes in Bengal and trade schools generally should be permanently directed towards such industries as exist in the localities where the institutions are situated.

The question has arisen as to how far educational institutions should develop on commercial lines. It has been shown that while in no case should

schools trade on commercial lines, in certain cases instruction in industrial schools may be supplemented by practical training in workshops where the application of new processes needs to be demonstrated.

While the field of employment or occupation in the highest grades is at present limited, the outlook for Indians is generally hopeful, provided the necessity for preliminary practical training is fully realised.

Schools of Art.

There are four Government Schools of Art in India with some 1300 pupils of which two are mainly industrial schools or schools of design. But much remains to be done in connection with indigenous art industries. The Government of India content themselves with scientifically arranged collections of the products of its ancient and modern arts and crafts.

Museums.

Much valuable work has been done by the zoological and geological sections of the Indian Museum at Calcutta which are now equipped on modern lines. In provinces outside Bengal also there has been good progress in the right direction but in the case of most local museums there is need for better equipment and a stronger staff. One of the most urgent needs in India is an ethnographic museum under scientific management designed to illustrate Indian civilisation in its varied phases ; otherwise students in the future will be compelled to visit the museums of Paris, Berlin, Munich and other places in order to study the subjects which should clearly be studied best on the Indian soil. Their accepted policy is to develop local museums with special regard to local interest and to concentrate on matters of general interest in the imperial museums.

Agricultural Education.

The present scheme of agricultural education originated under Lord Curzon's Government and is, in fact, only seven years old. Previous to the year 1905 there was no central institution for research or teaching and such education as was then imparted in agriculture was represented by two colleges and three schools in a more or less decadent condition. A central institution for research and higher education was established at Pusa. As now constituted the scheme of agricultural education has three main features, *viz.* (a) the provision of first class opportunities for the higher forms of teaching and research ; (b) collegiate education and (c) the improvement of secondary and primary education.

The Institute at Pusa maintained at a cost of Rs. 4 lakhs a year has 37 Europeans and Indians on its staff engaged partly in research and partly in post-graduate education, and the instruction through short courses, of students or agriculturists in subjects which are not regularly treated in provincial institutions. There are now six provincial institutions containing over 300 students and costing annually between five and six lakhs of rupees. Practical classes for agriculturists have also been established at various centres in several provinces.

Forest College.

The college at Dehra Dan has recently been improved and a research institution has been established in connection with it. Indians can here obtain training in forestry which approximates to that ordinarily obtained in Europe.

Veterinary Education.

Veterinary research is carried on at the Bacteriological Laboratory at Muktesar. The scheme of veterinary colleges has been thoroughly recognised since 1904. There are now four such institutions with 511 students as well as a school at Rangoon.

Medical Instruction.

Instruction in the western system of medicine is imparted in five recognised colleges and fifteen recognised schools in British India. These now annually produce between six and seven hundred qualified medical practitioners. A Medical Registration Act has recently been passed for the presidency of Bombay under which passed students of such schools are entitled to become registered. In Calcutta there are four self-constituted medical schools, the diplomas of which are not recognised by the Government of India. "Among recent developments may be mentioned the establishment of an X-Ray Institute at Dehra Dun and the formation of post-graduate classes in connection with the Central Research Institute of Kasauli.

Other projects are engaging the attention of the Government of India including the institution of a post-graduate course of tropical medicine. The practical want of such a course has long been felt. The Calcutta University have expressed their willingness to co-operate and a scheme for Bombay is also under consideration. Government of Madras have submitted a scheme for the construction of a pathological institute. Other matters which are likely to come to the front at no distant date are the improvement of the Medical College at Lahore, the improvement of the Dacca Medical School and the provision of facilities for medical training in the Central Provinces.

The subject of medical education is one in which the Government of India are deeply interested. A problem of particular importance is the inducement of ladies of better classes to take employment in the medical profession and thus minister to the needs of the women whom the *purda* system still deters from seeking timely medical assistance. One of the hindrances hitherto has been that Indian ladies are able to obtain instruction only in men's colleges or in mixed classes. With a view to the remedying of this defect certain of the Princes and wealthy landowners in India have now come forward with generous subscriptions in response to an appeal by Her Excellency Lady Hardinge, who has decided to merge in this project her scheme for a school for training Indian nurses and midwives. Government of India are considering proposals to found a women's medical college and nurses training school at Delhi with the help of a subscription from the Government.

Legal Education.

There has been a marked development of legal education in the last decade. In 1901 there were 35 institutions—college classes and schools—containing 2,800 students. At the present time there are 72 institutions with a slightly larger number of students. The Madras and Bombay presidencies, Burma and

the Central Province each possesses a single institution and in Bengal the instruction for the degree of Bachelor of Law has been restricted to certain colleges, although other institutions are still recognised for the pleaders' examination. A law college has been established on a liberal scale under the University of Calcutta. The concentration has resulted in greater efficiency and greater expenditure. In 1901, the cost to Government was a little over Rs. 7,000 and the total cost was 1½ lakhs. At present the cost to Government is over Rs. 45,000 and the total cost over Rs. 2,83,000.

Commercial Education.

There has recently been a considerable expansion in commercial education. Nine years ago there were ten colleges with less than 600 students and Government spent less than Rs. 4,000 upon these institutions. At the present time there are 25 institutions, three of which are under the management of Government. The enrolment is now over 1,500 and the expenditure from provincial funds is over Rs. 22,000. The standard attained in the majority of these institutions is not, however, high and the instruction given in them prepares for clerical duties in Government offices rather than for the conduct of business itself. A project for a commercial college of a more advanced type in Bombay has been sanctioned.

University Education.

Good work which the Government of India desire to acknowledge has been done under conditions of difficulty by the Indian Universities and by common consent the Universities Act of 1904 has had beneficial results. But the condition of University education is still far from satisfactory in regard to residential arrangements, control, the courses of study, and the system of examination.

It is important to distinguish clearly on the one hand, the federal university in the strict sense in which several colleges of approximately equal standing separated by no excessive distance or marked local individuality are grouped together as a university, and on the other hand, the affiliating university of the Indian type which in its inception was merely an examining body; and although limited as regards the area of its operations by the Act of 1904, it has not been able to insist upon an identity of standard in the various institutions conjoined to it. At present there are only five Indian Universities for 185 arts and professional colleges in British India, besides several institutions in Native States. The day is probably far distant when India will be able to dispense altogether with the affiliating university. But it is necessary to restrict the area over which the affiliating universities have control, by securing in the first instance a separate university for each of the leading provinces in India; and, secondly, to create new local teaching and residential universities within each of the provinces in harmony with the best modern opinion as to the right road to educational efficiency. The Government of India have decided to found a teaching and residential university at Dacca, and they are prepared to sanction, under certain conditions, the establishment of similar universities at Aligarh and Benares and

elsewhere as occasion may demand. They also contemplate the establishment of universities at Rangoon, Patna, and Nagpur.

Development of Teaching Faculties.

Simultaneously the Government of India desire to see teaching faculties developed at the seats of the existing universities, and corporate life encouraged in order to promote higher study and create an atmosphere from which students will imbibe good social, moral and intellectual influences. They trust that each University will soon build up a worthy university library suitably housed, and that higher studies in India will soon enjoy all the external conveniences of such work in the West.

In order to free the universities for higher work and more efficient control of colleges, the Government of India are disposed to think it desirable (in provinces where this is not already the case) to place the preliminary recognition of schools for purposes of presenting candidates for Matriculation in the hands of the Local Governments, and in case of Native States of the Durbars concerned, while leaving to the universities the power of selection from schools so recognised. The University has no machinery for carrying out this work, and in most provinces already relies entirely on the Departments of Public Instruction, which alone have the agency competent to inspect schools. As teaching and residential universities are developed, the problem will become even more complex than it is at present. The question of amending the Universities Act will be separately considered.

The Chiefs' Colleges advance in popularity in developing character and imparting ideas of corporate life. They are serving well the purpose for which they were founded. They are also attaining steadily increasing intellectual efficiency. But the committee of the Mayo College, Ajmere, have decided that it is necessary to increase the European staff. The Post-Diploma course has on the whole worked satisfactorily, and there is now a movement on foot to found a separate college for the students taking this course. Such a college may in the future become the nucleus of a university for those who now attend the Chiefs' Colleges.

School Staffed by Europeans only.

The grave disadvantages of sending their children to England to be educated away from home influence at the most impressionable time of life are being realised by Indian parents. The Government of India have been approached unofficially from more than one quarter in connection with a proposal to establish in India a thoroughly efficient school staffed entirely by Europeans and conducted on the most modern European lines for the sons of those parents who afford to pay high fees. No project is yet before them; but the Government of India take this opportunity to express their sympathy with the proposal.

Trained Teachers.

Few reforms are more urgently needed than the extension and improvement of training of teachers for both primary and secondary schools in all subjects, in-

cluding, in the case of the latter schools, science and oriental studies. The object must steadily be kept in view that eventually, under modern system of education no teacher should be allowed to teach without a certificate that he is qualified to do so. The number of teachers turned out does not meet the existing demand and is altogether inadequate in view of the prospects of a rapid expansion of education in the near future.

Training Colleges.

As regards training colleges for secondary schools some experience has been gained but the Government of India are conscious that the subject is one in which a free interchange of ideas based on the success or failure of the experiment, is desirable. The best size for the practising school and the relations between it and the college, the number of students in the college for which the practising school can afford facilities of demonstration without losing its character as a model institution, the nature of and the most suitable methods of procedure in practical work, the relative importance of methodology and of psychological study, the best treatment of educational history, the extent to which it is desirable and practicable to include courses in subject-matter in the scheme of training, especially courses in new subjects, such as manual training, and experimental science, the points in which a course of training for graduates should differ from one for non-graduates, the degree to which the body awarding a diploma in teaching should base its award on the college records of the student's works, and other unsolved questions indicate that the instructors in training colleges in different parts of India should keep in touch with others, and constantly scrutinize the most modern developments in the West. Visits made by selected members of the staff of one college to other institutions, and the pursuit of fur-lough studies, would seem especially likely to lead to useful results in this branch of education.

Pay and Prospects of Education Services.

The Government of India have for some time had under consideration the improvement of the pay and prospects of the Education Service, Indian, Provincial, and subordinate. The Government of India recognise that improvement in the position of all the Educational Services is required so as to attract first class men in increasing numbers; and while leaving questions of reorganisation for the consideration of the Commission, are considering minor proposals for the improvement of the position of these Services. They attach the greatest importance to the provision for the old age of teachers either by pension or a provident fund. But it is necessary to extend the provision in the case of Board and Municipal servants, and still more in the case of teachers of privately managed schools, for the great majority of whom no such system exists. It is not possible to have a healthy moral atmosphere in any school primary or secondary, or at any college where the teacher is discontented and anxious about the future.

The Domiciled Community.

The defective state of the education of the Domiciled community has long been remarked—many suggestions have from time to time been made for its

improvement. As in the case of secondary English education and for similar reasons the policy has been and is to rely on private enterprise guided by inspection and aided by grants from public funds.

The Government of India are prepared to accept at once the view that the most urgent needs are the education of those children, who do not at present attend school and the improvement of the prospects of teachers. They are also disposed to regard favourably the proposal to erect a training college at Bangalore with arts and science classes for graduate courses attached to it. They recognise that grants-in-aid must be given in future on a more liberal scale and under a more elastic system. They will recommend to Local Governments the grant of a greater number of scholarships to study abroad. The proposals to re-classify the schools, to introduce leaving certificates, to include in the course of instruction general hygiene and physiology, special instruction in temperance, and the effects of alcohol on the human body, and the other detailed proposals of the Conference, will be carefully considered on the lines of the opinion of Local Governments when they have been received.

The suggestion was put forward and largely supported that European education should be centralised under the Government of India. This suggestion cannot be accepted. Apart from the fact that decentralisation is the accepted policy of Government the course of the discussion at the Conference showed how different were the conditions of life of members of the domiciled community in different parts of India, and how these differences, necessarily reacted on their educational arrangements.

Mahomedan Needs.

The figures and general remarks contained in this resolution are general and applicable to all races and religions in India, but the special needs of the Mahomedans and the manner in which they have been met demands some mention. The last nine years have witnessed a remarkable awakening on the part of this community to the advantages of modern education. Within this period the number of Mahomedan pupils has increased by approximately 50 per cent. and now stands at nearly a million and a half. The total Mahomedan population of India is now 57 423,865 souls. The number at schools accordingly represents over 16 7 per cent. of those of a school-going age. Still more remarkable has been the increase of Mahomedan pupils in higher institutions, the outturn of Mahomedan graduates having in the same period increased by nearly 80 per cent. But while in primary institutions the number of Mahomedans has actually raised the proportion at school all grades among the children of that community to a figure slightly in excess of the average proportion for children of all races and creeds in India, in the matter of higher education their numbers remain well below the proportion, notwithstanding the large relative increase.

Oriental Studies.

The Government of India attach great importance to the cultivation and improvement of oriental studies. There is an increasing interest throughout India

in her ancient civilization, and it is necessary to investigate that civilization with the help of the medium of Western methods of research and in relation to modern ideas. A conference of distinguished Orientalists held at Simla in July 1911 recommended the establishment of a Central Research Institute, on lines somewhat similar to those of L'Ecole Française d'Extrême Orient at Hanoi. The question was discussed whether research could efficiently be carried on at the existing universities, and the opinion predominated that it would be difficult to create the appropriate atmosphere of Oriental study in those universities as at present constituted; that it was desirable to have one institution for scholars working on different branches of the kindred subjects which comprise Orientalia, and that for reasons of economy it was preferable to start with one institute well equipped and possessing a first class library. The Government of India are inclined to adopt this view and to agree with the Conference. The object of the institute, apart from research, is to provide Indians highly trained in original work who will enable schools of Indian history and archæology to be founded hereafter, prepare catalogues of manuscripts, develop museums, and build up research in universities and colleges of the different provinces. Another object is to attract in the course of time *Pandits* and *Moulavis* of eminence to the institute and so to promote an interchange of the higher scholarships of both the old and the new schools of Orientalists throughout India.

While making provision for scholarship on modern lines the Conference drew attention to the necessity of retaining separately the ancient and indigenous systems of instruction. The world of scholarship, they thought, would suffer irreparable loss if the old type of *Pandits* and *Moulavis* were to die out before the profound knowledge of their subjects had been made available to the world, and encouragement rather than reform was needed to prevent such an unfortunate result. The Government of India hope to see adoption of measures that are practicable for the maintenance and furtherance of the ancient indigenous systems of learning.

Functions of Local Bodies.

The functions of local bodies in regard to education generally and their relations with the departments of public instruction are under the consideration of the Government of India. The Government of India propose to examine in communication with local Governments the organisation in each province and readiness for expansion. A suggestion has been made that the Director of Public Instruction should be *ex officio* a secretary to the Government. The Government of India, agreeing with the majority of the Local Governments, are unable to accept this view which confuses the position of administrative and secretariat officers; but they consider it necessary that the Director of Public Instruction should have regular access to the head of the administration or the Member in charge of the portfolio of Education. The Government of India wish generally to utilise to the full the support and enthusiasm of district officers and local bodies in the expansion and improvement of primary education. A considerable strengthening of the superior inspecting staff including the appointment of

specialists in science, orientalia, etc., may be found necessary in most provinces.

In the resolution of 1904 it was stated that arrangements would be made for periodical meetings of the Directors of Public Instruction in order that they might compare their experience of the results of different methods of work and discuss matters of special interest. The Government of India have already held general conferences at which the Directors will be of great value. The Government of India are impressed with the necessity not only of an exchange of views amongst experts but also of the advantage of studying experiments all over on the spot; and they invited Local Governments to arrange that professors of arts and technical colleges and inspectors of schools should visit institutions outside the province where they are appointed with a view to enlarging their experience.

The Governor General-in-Council trusts that the growing section of the Indian public which is interested in education will join in establishing, under the guidance and with the help of government those quickening systems of education on which the best minds in India are now converging, and on which the prospects of the rising generation depend. He appeals with confidence to wealthy citizens throughout India to give of their abundance to the cause of education.

CHAPTER XV.

MEDICAL RELIEF AND SANITATION.

CONTENTS.

195. Indigenous Systems. 196. The Present Position.
197. Medical Institutions. 198. Organization. 199. Statistics.
200. Sanitary Reform. 201. Health Officers. 202.
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195. Indigenous Systems.—Like many other sciences, the science of medicine had attained a high degree of development in India some time before the beginning of the Christian era; and also like those sciences, it fell into decay after flourishing for a few centuries. The existing indigenous systems, Aryan and Unani, owing to the arrested growth and decadence of the original Indian science, do not compare favourably with the European system which has, on its side, the advantage of the latest scientific discoveries and which has gained a strong footing in this country. Earnest attempts are, however, being made to rehabilitate these systems and the medical practitioners who follow them have an unlimited scope in the rural areas of the country.

Formerly, the *Vaidyas* and the *Hakims* were liberally patronised by the princes and the aristocracy, and no class of people found any difficulty in getting the kind of medical aid that was available in those days. There was, however, hardly any organized public attempt to provide medical relief in hospitals and dispensaries, which developed in India only in the course of the last century. As

in so many other things, so also in the matter of medical relief, the Presidency towns were the first to have public institutions, in which provision was made for the treatment of the East India Company's servants as well as of the Indian population. These facilities remained confined to the towns for a pretty long time, and it is only within the last forty years or so that the country has generally come to share in that advantage.

196. The Present Position.—The progress has been steadily going on, especially on account of the provision of medical relief which the municipalities and district boards have undertaken to afford. There are six classes of hospitals and dispensaries in British India:—(1) Maintained by the State for the general population; (2) Special institutions also maintained by the State; (3) Local fund, (4) Private (aided), (5) Private, non-aided, and (6) Railway institutions. The number of hospitals and dispensaries of these different classes grouped under three heads, was in 1914, as follows:—

No. of Institutions.		No. of Patients.
State—Public	}	2,841
Private, aided		
Local fund		
State—Special	}	847
Police		
Forests and surveys		
Canals		
Others		
Railway		
Private, non-aided	710	5,109,274

Special efforts are being made to afford medical aid to women who, on account of the customs of the country, have to go without such assistance.

A new scheme has been taken in hand to appoint a sufficient number of lady doctors and a special medical service has been created for that purpose. Several hospitals and dispensaries are maintained exclusively for the use of female patients. In 1911 there were 128 State-Public, local fund or private-aided medical institutions for women only. A special Medical College for women, has been started at Delhi.

197. Medical Institutions.—The movement for the provision of medical aid to Indian women was initiated by the Countess of Dufferin in 1885 and that Association has done considerable good, especially by making provision for the training of lady doctors, nurses and midwives. The existing medical institutions have been started and are maintained by the State, local bodies, Indian philanthropists and missionary societies. Their number is steadily increasing as the mass of people are coming to appreciate more and more the value of the modern dispensaries and hospitals. Taking the State-Public, local fund and private-aided institutions together, we find that their total income comes to nearly Rs. $1\frac{1}{2}$ Crores. Of this amount, more than a third is contributed by Government in the form of salaries or otherwise, more than a third comes from local and municipal funds and the rest is derived from subscriptions and other sources.

Lunatic asylums in India are all under Government management and are now administrated under the Indian Lunacy Act of 1912. The proportion of the insanes in this country is comparatively small. The majority of these being harmless, are taken care of by their friends; and only the destitute and the dangerous are sent to the asylums. The number of persons admitted and readmitted

in 1913 was rather large in comparison with previous years, viz. 2,327, the total number of the inmates in that year being 8,472 as against 4,758 in 1901. Leper Asylums are similarly maintained in various parts of the country, and the total number of lepers in the whole of India disclosed by the recent census was 1,09,094.

198. Organization.—Medical officers are of three grades, (1) those of the Indian Medical Service, (2) the civil and military Assistant Surgeons and (3) Hospital Assistants. (1) the Indian Medical Service is primarily a military service but a majority of its members hold civil appointments. This arrangement is convenient from the military point of view as it ensures a reserve of officers competent to accompany the army in time of war, though the military duties of the I. M. S. are confined to the Native Army, medical duties in connection with European troops being performed by the Royal Army Medical Corps. (2) The Civil Assistant Surgeons are the product of the medical colleges and possess a university degree or a diploma. They are placed in charge of minor hospitals and dispensaries.

(3) The third class of medical officers, the Civil Hospital Assistants, are trained in the medical schools which exist in the various parts of the country, and are employed on minor dispensaries. There are five colleges which afford the course for university degree, and three of these also train military assistant surgeons. During the year 1913-14 the students numbered 2,080 civil and private male, 101 female and 148 military students. There are fifteen schools which train civil, military and private pupils for the passing-out diploma. Of these one, "The Women's Christian Medical College", Ludhiana, takes female students only. The students

numbered 2,126 in 1913-14. * In Bombay we have the Grant Medical College which had, in 1913-14 623 students of whom 43 were women and 22 belonged to the military class. There were Medical Schools at Hyderabad, Poona and Ahmedabad having 86, 143 and 168 students respectively.

The Director General, Indian Medical Service, is the head of the Indian Medical Department and has the rank of Surgeon General, the Army medical organization being quite distinct. Since 1904 there is a separate Sanitary Commissioner with the Government of India, but before that time this duty was also performed by the head of the Medical Department.

The medical and sanitary administration in each province is under the control of the Local Government whose principal advisers are an Inspector General of Civil Hospitals or a Surgeon General as in Madras and Bombay, and a Sanitary Commissioner. In the smaller provinces the two offices are combined. The medical and sanitary arrangements of the district are under the charge of the Civil Surgeon. Every district has a hospital at the head-quarters while dispensaries are maintained at the smaller towns.

199. Statistics.—The statistics published in Government reports, of births and deaths and the causes of death, are admittedly unreliable. Numerous births are unreported and unregistered while on account of the ignorance of the people, cause of death cannot be accurately known. The figures given in the reports have, therefore, to be taken with considerable reserve. It seems that a correct analysis of public health statistics can not

* Report on Sanitary Measures in India in 1913-14.

be made or made to any advantage unless some better system of registration is devised.*

We have, however, to make the best of the statistics that are available. The ratio of births per 1,000 of the population under registration was, in 1914, 39·61 for the whole of British India, (as compared with 38·58 per mille in 1911, and an average of 38·04 per mille in the five years 1907-11), while the ratio of deaths from all causes per 1,000 of the population was 30·00 for the same year (as compared with 32 per mille in 1911 and 34·28 for the five years 1907-11).

Fevers take a very heavy toll of life in India, the rate per thousand being as high as 17·16 in 1914. Among fevers malaria claims the place of honour, being responsible for more deaths than any other disease. It is estimated that every year it takes away alone no less than 10 lakhs of victims. The inaccuracy of the figures may be judged from the report that an inquiry made in one area showed that deaths attributed in the registers to 'fevers' included cases of melancholia, senility and drowning ! Infant mortality in India is alarmingly large and is now engaging the serious attention of Government and people. In Bombay city, the ratio of mortality among infants was in 1911, 382·5 per 1,000. Elaborate measures are being taken to repel the ravages of malaria.

* " Although improvement in registration is being steadily effected, there are still serious defects in some areas. The facts are nearly everywhere collected by an illiterate agency (usually by village watchmen in rural areas), and accurate figures, especially of the causes of death, are unobtainable. It is more difficult especially in towns, to obtain information about births than deaths. The actual reviews of the returns of the censuses of 1881 to 1901 show that the registered birth and death rates are understated and, as registration improves, the registered rates must tend to approximate to the calculated rates. The high Indian birth rate is due, not to exceptional fertility, but to the large proportion of married women. The high infantile death rate is partly due to the weakness of the children of immature and ignorant parents and faulty midwifery, but to some extent it is only apparent, being calculated on imperfect returns of births."—Moral and Material Progress Report for 1912-13.

It is now 21 years since plague made its first appearance in Bombay, and by this time it has accounted for nearly 90 lakhs of deaths. During all these years strenuous efforts have been made to drive away and restrict the spread of the disease. But most of them failed, especially in the earlier part of the career of the epidemic. Careful inquiries were, however, instituted and much useful knowledge has now been obtained as to the causes and spread of the disease. Inoculation, which is becoming more popular every day, is recognized as an effective measure of protection against plague and the discovery of the mode of infection and its conveyance through the rat flea, has resulted in a considerable saving of life. The plague problem has not, however, been completely solved and science is yet unable satisfactorily to answer certain questions connected therewith. Mortality from small-pox is comparatively small and vaccination has been made compulsory in large areas.

200. Sanitary Reform.—It is coming to be widely recognized that poverty and ignorance are very largely responsible for the prevalence of disease in India. In this matter the over-crowded cities, the towns and rural areas, all require careful attention. Defective systems of drainage or a total absence of a system, the lack of an adequate supply of pure water and a lamentable ignorance among the mass of people in the matter of personal and domestic hygiene, are the chief causes of the present unsatisfactory state of things.

The hopeful feature in the situation, however, is that a 'sanitary awakening' has come over India in this respect. Sanitary reform received its first impetus from the investigations of the Royal Commission whose report on the sanitary condition of the Army in India was published in 1863. Since then the subject has received much attention at the hands of the Government of India. In

pursuance of the policy of the Supreme Government, orders were issued in 1888, for the establishment in each province of a Sanitary Board invested with powers to control the sanitary work of municipalities and district boards. The Plague Commission of 1898 thus described the arrangements then in force :—"The office of Sanitary Commissioner with the Government of India is combined with that of Director General of the Indian Medical Service. The officer who holds these combined offices, as Sanitary Commissioner advises the Government of India on sanitary matters. He makes tours of inspection, in the course of which he inquires into sanitary questions. His reports are made to the Government of India, by which all directions regarding sanitary matters are given to the local Governments. Except through this channel, he has no authority over officials in the Sanitary Department serving under any of the Local Governments. These latter exercise entire control over Sanitary Commissioners and Deputy Sanitary Commissioners serving under them.

"Under the Local Governments in Madras, Bombay, Bengal, North-Western (United) Provinces and the Punjab there is a Sanitary Commissioner who is a member of the Indian Medical Service. These officers are charged with the duties of advising the Local Government on all sanitary matters, of inquiring into all outbreaks of epidemic diseases, of controlling all operations connected with vaccination in their provinces; and of supervising the registration of vital statistics within them. In each of the other provinces the duties of Sanitary Commissioner are undertaken, in combination with those of the supervision of civil hospitals by the Inspector-General of Civil Hospitals. Under the Sanitary Commissioners in the larger provinces there are a varying number of Deputy Commissioners. The largest number, *viz.* 5 are employed in the Bombay Presidency.

“The districts supervised by the Deputy Sanitary Commissioners are in all cases so extensive that it is not possible for a Deputy Commissioner to visit in any one year more than a small number of the villages which call for inspection. In all provinces excepting Bombay, the Civil Surgeon, who is the Medical officer of the District or unit of administration within a province under the charge of a Collector, has also to undertake the duties of Health Officer of the District to advise the local civil authorities on all matters connected with sanitation. The Civil Surgeon of a District in the Bombay Presidency is not required to undertake these duties. As a rule, no subordinate establishments are separately entertained within a district for sanitary duties, but the establishments employed in the conduct and inspection of vaccination are utilized also in sanitary work.

“Outside the Sanitary Department there are under the different Local Governments, Sanitary Boards composed of a varying number of members belonging to the medical, sanitary, civil engineering and civil branches of the Government's Services with some non-official members. All the larger measures of sanitary improvement, such as projects for improvements in water-supply, have to be considered by these Boards before they are undertaken. In the presidency towns of Calcutta, Bombay and Madras, European health officers are employed by the municipal corporations. These officers are sometimes selected from the Indian Medical Service and sometimes not. They are directly subject to the authority of the municipal corporation by which they are employed.

“A few separate health officers, who may or may not be members of the Indian Medical Service, are employed also by other large municipalities to which they are directly responsible. But as a general rule, a municipality does not employ a separate Health Officer but is entitled

by regulation to the services and advice of the Civil Surgeon in his capacity as such. This rule, however, is not followed in the Bombay Presidency, the Civil Surgeon there having no responsibilities in connection with municipalities. In the chief Ports, Port Health Officers are employed under the orders of the Local Governments to supervise the arrangements connected with the granting of bills of health and similar matters."

201. Health Officers. —It has been already stated that in 1904 the office of Sanitary Commissioner with the Government of India was separated from that of Director General, Indian Medical Service.* There-after the Government of India made certain proposals about sanitary reform, providing, for instance, at least one whole-time health officer for every town with over 1,00,000 inhabitants and of a medical officer of health for towns having between 20,000 and 1,00,000 inhabitants. The scheme was favourably received by the Local Governments and it was further developed by the Government of India. It provided for the appointment of health officers of two grades for the larger and the smaller towns and of sanitary inspectors. The Government of India offered to assist the Local Governments to carry out this scheme in their provinces if they were unable to meet the additional charges from local revenues.

A Resolution issued by the Government of Bombay on 28th May, 1913 on this subject, stated:—"In 1908, the Government of Bombay appointed a Committee to con-

* Owing to certain disadvantages arising from the complete separation of the two appointments, the arrangement was revised and it was decided in 1912 to revive the separate appointment (the two had been temporarily combined in 1911 owing to the vacancy of the office of the Director General) with modified functions and status. The Sanitary Commissioner became, under this arrangement, to a certain extent subordinate to the Director General and was at the same time relieved of some of his duties.

sider and report on the scheme of the Government of India for improving the Sanitary Service in India. The report of the Committee included a detailed scheme for the appointment of Health Officers and Sanitary Inspectors to municipalities according to a scale based on considerations of population and income. In view, however, of considerable financial responsibility which the scheme, as then propounded, would have imposed on these bodies, the Bombay Government were not at the time prepared to press its adoption upon them. Since then, however, the Imperial Government have...offered, subject to certain conditions, to bear half the cost of the entertainment of the Health Officers appointed under the scheme while this Government.....has agreed to bear one-third of the remaining cost in the case of Health Officers and the same proportion of the the entire cost in the case of Sanitary Inspectors. The share of the cost devolving on the municipalities which accept the scheme will thus be one-third as regards Health Officers and two-thirds in the case of Sanitary Inspectors. This liberal measure of assistance will, it is believed, place the adoption of the scheme within the financial reach of most of the municipalities to which it is applicable and the Governor in Council desires, therefore, that these bodies should now be asked to proceed as early as practicable, to its practical consideration with a view to the formulation of definite proposals for its applications to their respective requirements." The Resolution then goes on to note briefly the conditions as regards the appointment and salaries of the Health Officers and Inspectors and to give a list of the municipal towns to which the scheme is applicable.

202. Sanitary Measures.—The problem of urban sanitation is thus being tackled in a systematic way. Vast improvements have already been made in the

Presidency towns in the matter of drainage and water supply. Overcrowded parts are being relieved of their congestion by the construction of new thoroughfares, the demolition of insanitary areas and the construction of sanitary quarters for the labouring classes.

The Bombay Improvement Trust, for example, was constituted in 1898 for this same purpose. The Board of the Trust consists of members elected by the Corporation and the commercial bodies, and nominated by Government. Its revenue is derived from an annual contribution from the Corporation and the income received from the vast property assigned to it by Government. The operations of the Trust are visible on all hands in Bombay and the wide roads, systematically constructed buildings and the new sites developed testify to the work done by it.*

In the smaller towns drainage and water-supply works are being gradually undertaken and they are receiving liberal assistance from Government. We cannot here deal with the sanitary works undertaken or contemplated in the various cities† and must refer the reader to the Reports on Sanitary Measures in India published annually. He will there find also an instructive account of the research work that is being done at various centres. The lively interest that is being taken in the subject is also evidenced by the proceedings of the All-India Sanitary conferences the first of which was held at Bombay in 1911, the second at Madras in 1912 and the third at Lucknow in January, 1914.

* The wisdom of the Trust's policy of laying out large funds in the construction of big roads and opening new avenues (to the neglect, it is said, of works of greater and more immediate sanitary importance to the public) has, however, been called in question.

† In 1912-13, there were, in this Province, 45 water-supply and drainage projects either in progress or under consideration; and grants amounting to £100,000 were made from Provincial and Imperial Revenues.

Rural sanitation is, however, the hardest nut to crack. The income of the local boards is too small to allow any adequate outlay on water supply and drainage works. The absence of these is mainly responsible for sickness and mortality in village areas. In certain provinces such as Bombay, the United Provinces and the Central Provinces there are Village Sanitation Acts providing for carrying out sanitary measures and recovering the cost from the inhabitants by the levy of a cess or otherwise. Little progress seems, however, to have been made in this direction. Speaking of Madras, the Report on Sanitary Measures in India in 1911-12 remarks:—"As regards District Boards, only 42·6 per cent of the assignment for sanitation was spent during the nine months of the year. In respect of all heads,—water supply, drainage and conservancy, sanitation in rural areas is said still to be in a most primitive condition, evidence being afforded by the fact that in only one per cent. of 43,994 towns and villages is any thing like conservancy attempted, not a single town or village of any size has been provided with either a protected water supply or drainage scheme. The chief obstacle is the want of funds".

203. Summary of Resolution.—We give below a brief summary of the Government of India's Resolution on Indian sanitary policy, issued on 23rd May, 1914 :—

Scientific Sanitation in India dates from the end of the last century. A Royal Commission appointed in 1859 recommended the formation of Commissions of public health but these were soon replaced by Sanitary Officers with their staff. In 1888 Lord Dufferin's Government issued a resolution pointing out the duties of local bodies in matters of Sanitation and Sanitary boards were formed in many provinces. But in applying western methods to India, the conditions of the latter were not considered and besides the people were unprepared for any reforms or changes. As education spread and medical researches were made known a demand for sanitation arose, though gradually.

Of late the Government of India has been issuing statements of policy and making grants to Local Governments and in 1910 a new department was created. Sanitary Conferences, both local and all-India, are being convened and Government makes a recurring grant of 5 lakhs of rupees to the Indian Research Fund

Association which prosecutes research and propagates knowledge about communicable diseases. Now that the Government of India makes imperial grants to Local Governments and District Boards schemes, which a few years ago seemed financially impossible, have been made possible and the sanitary reform movement has been well established.

In the case of the army truly remarkable improvements in their health have been made but to make the same in the case of the civil population conformity to three cardinal principles is essential. (1) Sanitary reform must rest on a knowledge of the peoples, their conditions of life, their prejudices, social customs and habits, their surroundings and financial means; and it must secure their co-operation. (2) It must recognise the diversity of local conditions in a country which includes numerous communities, castes and creeds and which exhibits almost every variety of climate, temperature, humidity and level of subsoil water from the deltas of Bengal with their steamy atmosphere and dense bush vegetation to the burnt brown hills of the North-West frontier. (3) Its introduction must be preceded by preliminary local surveys, inquiry, or experiment.

The Plague Commission's report set Lord Curzon's Government to vigorously reorganise Sanitary Department. Research institutes were started and a Sanitary Commissioner was appointed to advise the Government of India on sanitary and bacteriological questions as also to organise and direct research throughout India. The superior sanitary organisation in India now includes a Sanitary Commissioner with the Government of India; a bacteriological department comprising several laboratory appointments for research work and also field work; and the several establishments under the Local Governments. Several new posts were created and health officers to Municipalities were appointed, half the pay of the latter being met by imperial grants. Sanitary Inspectors are being largely employed in towns and the Government is considering the increase of the staff of Sanitary Engineers. The Government of India is prepared to help and attaches great importance to voluntary agencies like the Bombay Sanitary Association.

The policy of the Government of India is to keep the control of research under itself but to decentralise other branches of sanitation. While the general policy rests with the Government of India the detailed control and executive actions are left to Local Governments. Sanitary boards, composed of officers belonging to the medical, sanitary, engineering and other branches of the Civil services with the addition of non-officials, have been created in every province. The devolution of financial authority and responsibility of these boards has been satisfactory, and the Government of India commend the appointment of salaried secretaries to these boards to increase the efficiency.

The Government of India have under consideration the training of the superior sanitary staff in practical hygiene, bacteriology and etiology of tropical diseases. Training classes for sanitary inspectors are now held in all the more important provinces. Duly qualified Indians are admitted to this new department of public health. Laboratory work and practical research in the field will proceed side by side.

New research institutions are being added to the old ones and specialisation in the case of plague and tropical diseases is being attended to. Special investigations are often taken up and each province in India, will in the near future, have a fully equipped laboratory for research.

The Indian Research Fund Association, founded in 1911, has been active and can point to some achievements. The control and management of the association is vested in a governing body, assisted by a Scientific advisory board and its membership is open to non-officials, who give donations to it. Up to now it has been solely financed by the Government of India to the extent of 15 lakhs of rupees. Investigations have already been carried out by it in the case of yellow fever and others, in the case of prevention of cholera, kalaazar, leprosy and goitre, water supplies etc. are in view. The association also helps private enterprise by grants and it has started the "Indian journal of Medical Research" which is published quarterly.

Much experience has been gained in the case of Malaria, Plague, Cholera, Small-pox and Tuberculosis and Government has been ever active in undertaking any measures, either for prevention or cure, suggested by their researches in the above cases. Training classes for instruction in practical malaria work twice a year and a corps of trained men will, ere long, set to work in the whole of India. The Plague Research commission constituted in 1905 is still working and it has arrived at certain conclusions, after much, careful and close study. The apparently simple solution "No rats no plague" led to a crusade against rats and government have prepared certain plans of campaign from time to time. The importance of careful and thorough conservancy has been accentuated as a result of cholera research. Much improvement has been effected in the case of vaccination for small-pox and the arm-to-arm vaccination has been replaced by calf lymph. Several Government calf-depots have been established at the expense of imperial revenues. The Government has been co-operating with private agency in their endeavour to combat the tuberculosis and protective measures in the shape of model houses, hospitals and dispensaries have been recommended to government.

The Infant Mortality returns have been causing grave anxiety both to government and the people and good milk supply, proper instruction of matters in principles of hygiene and dissemination of knowledge of midwifery among women have been engaging the attention of the Government.

The reported vital Statistics are admittedly incomplete and not too trustworthy and as the effects of sanitary measures can only be gauged by such statistics the Government of India have recommended certain propositions to Local Governments in the matter of registration of vital occurrences. Along with these the Local Governments have been shown the necessity for Sanitary Surveys on extensive scales.

As to Urban Sanitation the problem has been subheaded into conservancy, water-supply, drainage and town-planning with the relief of congested areas. The negligence in the matter of conservancy has been marked for so many years.

The flies, due to inadequate conservancy even in towns, besides causing discomfort, have been known to spread many diseases like cholera, enteric fever, and tuberculosis. The Government have been advocating and originating several drainage and sewerage schemes and improved results are anticipated as education spreads and health officers increase in number.

The subject of a piped supply of filtered water to towns has come to the forefront latterly and large sums have been spent on water-supply projects. The closing of wells, in towns, is much to be desired if a regular water supply be forthcoming but in the latter case a regular waste detection staff has to be employed for economy. A considerably increasing expenditure is being made on drainage schemes because after water supply schemes they are the most necessary.

The Government of India recently decided to examine the Sanitary arrangements at the chief places of pilgrimage and Local Governments were advised to appoint commissions for formulating practical schemes of improvement. Grants have been made for improving the pilgrim route to Badrinath and several inquiries leading to better arrangements at pilgrimage are on hand.

The Government of India have for some time been thinking of legislation to put down adulteration of food and drugs. The adulteration of milk is universal in India and the Government of India have addressed the Local Governments to make inquiries and improve the milk supply by proper supervision of cattlesheds.

The constitution of the Improvement Trust of Bombay in 1898 marked an advanced step in the relieving of congested areas and laying out of new areas on sound principles. The Calcutta Improvement Trust was constituted in 1911 with the same view. Municipalities have been advised to buy up the outskirts of congested cities when necessary in order to supply building plots to desirous persons. The finances for such schemes may be met with from development contributions from the buyers of land and also by taxes. Local Governments have been invited to express their opinions in the matter of fixing standards of light and ventilation for the new buildings and such other details.

The importance of Rural Sanitation in an agricultural country like India can not be overestimated and the Government of India have permitted a part of the imperial grant to be spent for this purpose. Co-operation of the people is most wanted in these matters. The Government advocate, travelling dispensaries under trained sub-assistant surgeons, disinfection of village wells by chemicals, grants to village unions or circles, encouragement to midwifery in villages and the appointment of district Sanitary officers, for improvements in rural sanitation.

The Government depend upon a better spread of education; a wider diffusion of a principle of hygiene and a knowledge of the common diseases among the people. Research institutions are expected to help and periodical local conferences are a necessity for spreading information.

CHAPTER XVI

PUBLIC WORKS.

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204. Want of Roads. 205. Neglect of Public Works. 206. Railway Construction. 207. Financial Position of Railways. 208. Railway Development. 209. Old Irrigation Works. 210. Irrigation Systems. 211. Major and Minor Works. 212. Statistics. 213. Irrigation Commission. 214. Civil Works. 215. The P. W. D. 216. Railway Management.

204. Want of Roads.—In 1914-15 the Government of India spent about £ 7 million on civil works, besides incurring an expenditure of about £ 11½ million on capital account for railways and £ 1 million for Irrigation. A programme of railway construction involving an out-lay of 18 crores of rupees every year has been urged on the Government and appears to have been definitely accepted by them. These figures show the magnitude of the public works activities of the State in India which, unlike other States, constructs its own railways and canals and roads. But these large proportions which the building operations of the Government have now assumed, are a development of the last half century.

Before the middle of the 19th century, the expenditure on public works was chiefly confined to the construction and repair of military buildings, such as barracks for soldiers and the making of a few main roads, and the civil buildings were not of much importance. No doubt, the old tanks, canals and embankments had to be kept in order, but the bulk of the expenditure was on military account so that the Public Works Department itself was regarded as a branch of the Army Department. The

general superintendence of public works was entrusted to a Military Board for each Presidency.

Means of communication were not easy in those days, as every one knows, and there were few good roads connecting one part of the country with another. From a military point of view, in the opinion of Sir George Chesney, this state of things was a great advantage inasmuch as the want of roads taught Indian armies how to do without them, and afforded them excellent training in campaigning. To Mr. Thomason, Lieutenant-Governor of the North-West Provinces from 1843 to 1853, is given the credit of having perceived the importance of good roads and of taking the initiative in the construction of good metalled roads to connect the different large cities throughout his jurisdiction. A trunk road to connect Calcutta with the Upper Provinces was undertaken about the same time, and Lord Dalhousie, who realized the value of good roads as few people then did, on military and other grounds, pushed on vigorously the development of the newly annexed province of the Punjab on similar lines.

205. Neglect of Public Works.—So late as the year 1849–50, the total expenditure on Public Works amounted to only about Rs. 35 lakhs. Till the year 1854, the work of this department was regulated by the presidential system under which it was divided into three branches corresponding to the three Indian armies. But the adoption of the policy of constructing railways by the agency of private companies under a system of Government guarantee and the importance of the irrigation works undertaken by the State itself in Northern India and Madras, led to the construction in 1855 of a special department of public works in the Government of India, with subordinate departments for Madras and Bombay. In the latter, public works affairs were removed from the

control of the local Military Board and constituted a branch of the ordinary civil administration.

Now, the expenditure on public works steadily increased; in 1853-54 it was about a crore of rupees, and five years later, more than four crores. For many years, after this, the whole expenditure upon public works, excluding the capital of the guaranteed railways, was provided out of the current income of the year. This policy was given up in 1867-68 when it was decided to raise by loans the funds required for 'extraordinary' public works as distinguished from works which could be paid for out of the current revenues. The same policy was adopted when later on the State began to construct railways by its own agency.

In 1879, the epithet of 'productive' was substituted for that of 'extraordinary' public works and the whole system was revised. A limit was placed upon the amount to be borrowed for public works, and productive works were strictly limited to works which were calculated to prove remunerative. The ordinary public works were paid for out of the current revenue, and later on, Rs. 1½ crore was set aside annually for 'protective' works as a safeguard against famine.

The meagre provision for public works during the first half of the last century has been referred to above. 'Compared with our Mahomedan predecessors we had nothing to show for our dynasty; and it was not inaptly remarked that if we were obliged to quit the country, there would remain no token of our rule but empty soda water bottles. The Court of Directors became at length fully alive to the scandal of this neglect, and ordered a commission of inquiry to be appointed at each Presidency. It was on the receipt of their report that Lord Dalhousie proceeded to reorganize the system, root and branch.' *

* Marshman's History of India.

206. Railway Construction.—The railway system in India dates from the time of Lord Dalhousie, and to him is due the plan of the great trunk lines which now join the farthest corners of the country. No doubt the question had been under discussion and in 1843 proposals had been made to construct railways in India by private enterprise. Nothing, however, was done during the next six years, and it was not till the year 1849 that the system of supporting private companies by a Government guarantee was adopted and the first sod of the Great Indian Peninsula Railway was turned at Bombay in 1850. About the same time, was commenced the East Indian Railway which starts from Calcutta.

Three stages may be distinguished in the history of railway construction in India : (1) The early lines up to 1869 were constructed upon the guarantee principle. That is to say, the Government guaranteed interest at the rate of 5 per cent. on all share capital raised with its consent by the joint stock company and at a lower rate on debenture capital. The lines were to be constructed and worked by the companies subject to the supervision of Government and subject to other conditions. Government had the option of purchasing the undertakings at certain specified dates and by now the State has become the owner of the greater part of the Indian railway system.

(2) The guarantee system was found to be very costly as the companies were not interested in economical construction and management, and entailed a heavy charge upon Indian revenues. In 1869, the system was, therefore, abandoned and it was decided that Government should construct railways in the future by its own agency. Many of the new lines were of the metre gauge (3 ft. 3½ in.), while all the lines before that, had been of the broad or standard gauge (5 ft. 6 in.).

(3) Ten years later, the old policy was again reverted to and since 1879, railway construction has been

carried on partly by the State and partly by companies. The companies have interest guaranteed to them and get land free of cost. The State also exercises an amount of control over the companies, the contracts laying down the maxima and minima of the rates and fares charged. The following table furnishes some interesting information in connection with the Indian railways :—

		Route Mileage open.	
		31st Dec. 1901.	31st Mar. 1911.
1	Lines owned and worked by the State ...	5,125	7,273
2	Lines owned by the State but worked by companies ...	13,387	18,809
3	District boards' lines (worked by Companies) ..	5	155
4	Lines leased by the State (worked by a Company).	...	...
5	Old Guaranteed Companies' lines ...	1,334	...
6	Companies' lines guaranteed under modern Contracts ...	32	...
7	Branch line Companies' railway assisted under 'rebate' terms ...	2,276	391
8	Assisted Companies' lines subsidised by Government ...		1,387
9	" " " " by district board ...		499
10	" " " " receiving land only ...		265
11	Unassisted Companies' lines ...		1,795
12	Native State lines worked by Native States	42	73
13	" " " " Companies	1,229	2,171
14	" " " " State Railway agency...	1,584	1,049
15	Lines in foreign territory ...	135	257
		7	74
	Total ...	25,373	34,654*

While Government and Companies had constructed the large railway lines connecting the various provinces to one another, the necessity of having branch or feeder lines to the main railway systems was badly felt and offers were made to encourage the investment of capital in these lines from year to year. The conditions attach-

* The mileage open at the end of 1915-16, was 35,833.

ing to these offers having failed to attract capital, the earlier terms were revised and were made more tempting. District boards in Madras and Bengal have been thus induced to construct hundreds of miles of railway under these terms.

207. Financial Position of Railways—In the Chapter dealing with the constitution of the Government of India we have pointed out how in 1905 the control of railway administration was transferred from the Public Works Department of the Government of India to a newly constituted expert Railway Board, consisting of a chairman and two members. Decisions in all matters relating to railway programme, expenditure and policy rest with this Board and the powers of its president are very wide. The Board is independent of the Commerce and Industry Secretariat Department though the ultimate authority must rest with the Government of India and the Secretary of State. By the year 1917-18, more than Rs. 550 crores have been invested in open railway lines, the gross earnings of which in that year are expected to amount to more than Rs. 62.1 crores. Deducting the working expenses, which will amount to about 31 crores, we get about Rs. 31 crores as the net earnings of the railways in India. The percentage of net working profit to capital outlay thus comes to 5.47.

The following table will prove instructive :—

[In thousands of pounds] .

	1915-16.	1716-17 Revised	1917-18 Budget.
Capital at charge at end of year	364,858	365,116	367,393
Net working profit from railways excluding interest charges ...	17,797	29,769	20,102
Percentage of net working profit to capital outlay ...	4.88	5.69	5.47
Net working profit from railways after meeting interest charges ..	4,075	6,796	6,106
Percentage to capital outlay of net profits after meeting interest charges ...	1.12	1.86	1.66

208. Railway Development.—Indian Railways owned by the State and guaranteed companies, get their capital from the annual allotments of the Government of India. Money has to be provided not only for the construction of new lines but also for the needs of the open lines. For some years before the out-break of the war, owing to bumper harvests and general prosperous conditions, the pressure on the railway was so great that they were unable to provide the necessary transport facilities and there was a great congestion on the lines. The question of providing additional rolling stock, siding and other facilities had then to be seriously considered. The amount that must annually be made available for capital expenditure has been fixed at £ 12,500,000 and the ability of Government to keep up to the standard depends upon the condition of the London Money Market and other considerations. The supply of capital from London was cut off by the war and the railway capital programme had to be curtailed.

The following figures* represent railway capital expenditure on State-owned lines included within the railway programme for 1917-18 (budget) and the preceding six years.

				£
1911-12	...	...	...	7,914,393
1912-13	...	...	...	9,896,100
1913-14	...	...	...	12,306,303
1914-15	...	...	...	11,433,100
1915-16	...	...	...	4,591,300
1916-17 (Revised)	...	...	...	1,517,900
1917-18 (Budget)	...	...	...	3,600,000

These figures have failed to give satisfaction to a certain section of the critics of Government railway policy,

* Sir William Meyer's speech introducing the financial statement for 1915-16.

who would like the State to adopt a faster rate of progress. With reference to them, the Hon'ble Sir G. F. Wilson said :—"This proves, I think, that I am not unsympathetic on the question of railways. I recognise fully their immense significance as an instrument of general progress, their necessity for the development of trade, their growing and indeed momentous importance to the finances of India; but in this my last Financial Statement, I cannot refrain from a word of warning. In spite of the reckless utterances of obviously interested critics, I continue to deprecate any departure from a policy of the utmost caution in the matter of Railway finance. It may be that in the future, it will be possible to give more scope to private enterprise and increase through its agency the funds available for railway construction, but for the present, I have to regard railways as a strictly business proposition. Our responsibility is all the greater now that they have attained a position of supreme importance in our financial system. It is said that the remunerative character of our railways is beyond question, that our railways are the milch cow of the Government of India, and that I am ungrateful. But what is the position? We are paying in the London market very nearly 4 per cent. for what we borrow. I bear in mind that in the current year the railways have paid us 5.89 per cent. But last year the return was 4.99 per cent.; in 1910-11, it was 4.66 per cent.; in 1909-10 it was 4.48 per cent.; even in good years in the present state of the money market the margin is a narrow one. Let me remind you that so recently as in 1908-9 our railway system was worked at a net loss to the State. I said at that time that we must never allow our railways to become again, even temporarily, a net burden on the general tax-payer. I repeat that assertion. As matters stand, we have in our railways a splendid asset. Let us safeguard that asset. Any admission of

doubtful schemes, or failure to count in each case the full cost, any disregard of financial considerations, will surely lead to deterioration of a most serious character."† Only within the last few years the railways have become a source of net profit to the State. After meeting all charges for interest on capital, annuities for the purchase of lines from companies, &c., this profit averaged about Rs. 3 crores a year for the four years 1904-05 to 1908-09. In the latter year there was a net loss. In 1910-11 and 1911-12 the profit was about Rs. 3 crores and 5½ crores respectively. In 1915-16, the net profit was Rs. 6 crores and in 1916-17, it exceeded Rs. 10 crores.

209. Old Irrigation Works.—Indian Irrigation Works of the present day, covering thousands of miles in their extent and supplying water to millions of acres have been constructed within the past few years of British rule. There is, however, no doubt that irrigation was practised in this country, though on a smaller scale, in pre-British times. Of the three great classes of irrigation works, viz. lift, storage and river works, the first two represented by wells and tanks and reservoirs have been in existence in India from time immemorial. "But the numerous large works which now exist for utilizing the supplies of the larger rivers are of comparatively recent date ; and little seems to have been done in this direction before the country came under British rule, the most notable exceptions being 'the grand Anicut' across the Coleroon river in Madras, some of the inundation canals on the Indus and its tributaries, and two canals taking out of the Jumna river at a point, where passing through a gorge in the outer ranges of the Himalayas, it debouches on to the plains." The 'Grand Anicut' is very old, going back to the early centuries of the Christian era and is represented as the greatest engineering work carried out in India before British rule began.

† Speech, introducing the Financial Statement for 1913-14.

Under Mahomedan rulers some large canals were constructed in Northern India. It is doubted whether these works, in their former condition ever irrigated any considerable areas or conferred much benefit upon the people. "But it is certain that it was the existence of the 'Grand Anicut' in Madras, and the remains of the old Mahomedan channels in the Punjab and United Provinces, which suggested and led to the construction of the earliest works carried out under British rule. India, therefore, in a great measure owes to her former rulers the first inception of her present unrivalled systems of State irrigation works. The most efficient and useful works which were constructed in former times are, however, the small works—tanks, weirs, and river-channels—which are to be found scattered throughout the Peninsula, and in Upper Burma. They are most important in the Madras Presidency, where to this day they irrigate collectively an area equal to that irrigated by all the larger works which have been constructed by the British Government in that Presidency."*

210. Irrigation Systems.—Different systems of irrigation prevail in the different parts of India, suited to the local physical conditions. Leaving out the use of wells, in which case the earth itself acts as the reservoir, the most simple as well as one of the most effective kinds of irrigation, is derived from tanks. The ordinary Indian irrigating tank is formed by intercepting the drainage of the country by an embankment. The eastern portion of the Madras Presidency is peculiarly favourable to this kind of irrigation and the whole of this part of the country is covered with these tanks some of them being many miles in circumference. Tank irrigation is also largely practised in this Presidency and Central India.

* Report of the Irrigation Commission, 1901-03.

Another system of irrigation adopted in India consists in the diversion of the waters of rivers. This system prevails both in Northern and Southern India though it is carried out differently in the two places. The difference is accounted for by the peculiarities of the physical configuration of these parts of the country as also by climatic and other conditions. "The irrigation system in Madras, in addition to the maintenance and development of the great tanks scattered over the country wherever the surface has admitted of their formation, comprises the works of damming up the great rivers which fall into the sea on the east coast by masonry weirs, at the points where their deltas begin, and distributing the waters over the surface of the country by canals."

Lift irrigation works like wells must obviously be private concerns though they are encouraged and supported by Government and are of very great importance to agriculture in a country like India where that industry has to depend mainly on a precarious rainfall. The maintenance of many tanks, large and small, has been undertaken by the State and a few are in private hands. But the third class of works *viz.* the canals have been chiefly constructed by Government and are managed by it. Majority of these canals are perennial and a small number are inundation canals which receive their water only from floods. The face of the 'land of five rivers' has been transformed by a network of canals which have brought plenty and prosperity. The question of a vigorous prosecution of irrigation works was forced upon the attention of Government by the frequent failure of rains and the consequent distress caused to large masses of the population of this pre-eminently agricultural country, and during the last few years irrigation has made remarkable progress.

211. Major and Minor Works.—Irrigation works in India are divided, from the financial point of view, into two classes, 'major' and 'minor.' The former are of

two kinds, *viz.* 'productive' public works, the capital for the construction of which is provided from borrowed money 'and protective' works, the capital cost of which is provided from current revenues and which are intended as a protection against famine. All productive irrigation works are calculated to yield revenue sufficient to defray their working expenses and interest on the capital invested in them.

The cost of constructing 'minor' works as well as the sums annually required for their working and maintenance, are met from ordinary sources and for the majority of these works distinct capital and revenue accounts are not kept. There are numerous works which maintain only revenue accounts. They are credited with a share of the land revenue depending on their maintenance and are debited with all expenditure incurred on construction, extension, improvements and maintenance. During 1912-13, these works irrigated an area of 2 million acres and returned a net revenue of Rs. 34,89,458. There is another class of works which have neither capital nor revenue accounts and practically all of which are situated in the Madras presidency. They consist of some 37,000 tanks and irrigation channels, mainly the former, and their improvements and repairs are executed by the Public Works Department, or in the case of the smaller works, by civil officers. The area irrigated by works of this class in 1912-13 aggregated 34,21,917 acres.*

212. Statistics.—"The total length of main and branch canals and distributaries which had been constructed on irrigation works of all classes up to the end of the year 1915-16 amounted to 63,583 miles, and it is expected that this figure will be increased by over a thousand miles during the current financial year. These channels command an area of over 50½ million acres of

* Review of Irrigation in India in 1912-13.

culturable lands, of which half was irrigated during the year ending 31st March, 1916, and it is estimated that at least an equal area will be irrigated this year. In addition to these works in operation, there are 42 major projects 20 being productive and 22 protective, which are either under construction, awaiting sanction or being examined by the professional advisers of Government. They are expected to extend the benefits of irrigation to an area over $9\frac{1}{2}$ million acres out of a culturable commanded area of $22\frac{1}{2}$ million acres at a cost of £ 35 million."*

The following statistics will be found instructive :—

I

In thousands of pounds

	1915-16	1917-18 (Budget)
Productive Works.		
Capital outlay to end of each year	£ 36,603	£ 37,880
Total receipts, including land revenue due to irrigation..	4,394	4,716
Total expenses, including interest on debt	2,549	2,613
Net profit	1,845	2,103
Percentage of net profit to capital outlay	5.04	5.55
Protective Works.		
Capital outlay to end of each year	5,853	6,615
Total receipts, including land revenue due to irrigation ..	118	109
Total expenses, including interest on debt	277	305
Net loss	159	196
Percentage of net loss to capital outlay	2.72	2.96
Minor Works and Navigation.		
Direct receipts	267	283
Expenditure	869	827
Net loss	602	544

* Speech of Sir William Meyer introducing financial statement for 1917-18

II

Area under Irrigation in 1912-13.

(Acres)

By canals		By tanks	By wells	Other sources	Total area irrigated
Government	Private				
17,764,300	2,492,600	6,825,200	12,351,000	6,106,200	45,539,300

213. Irrigation Commission.—The rapid progress which irrigation has made within recent years is, due to the recommendations of the Irrigation Commission of Lord Curzon's time. "Had Lord Curzon done nothing else during his Viceroyalty, his Irrigation Commission which he instituted and the resolution he issued on the lines of its recommendations would have earned for him the permanent gratitude of the people. It is superfluous to state that the Commission recommended the construction of the remaining *practical* works of irrigation in 20 years at a cost of 44 crore rupees. It is gratifying to notice that the larger works have been already commenced or their schemes advanced to a practical stage, though even now we cannot refrain from observing that some part of the enormous capital which has during the last five years been expended on railways and rolling stock might have, with the greatest advantage, been directed to irrigation.*"

The Commission "expressed the opinion that the field for the construction of new works of any magnitude on which the net revenue would exceed the interest charges was restricted to the Punjab, Sind, and parts of Madras, and that the tracts in which most of such works could be constructed were not liable to famine. Where protective

* A Bird's-eye-view of Indian Economic Progress, 1901-10 by Mr. D. E. Wacha.

irrigation was most urgently required—in the Deccan districts of Bombay and Madras, the Central Provinces and Bundelkhand,—the Commission found that there was no prospect of new irrigation works on any considerable scale proving directly remunerative; but they recommended that works should be undertaken in these tracts with a view to reducing the cost and mitigating the intensity of future famines. The Commission reviewed all the irrigation works of importance in every province of India, pointed to a great number of suggested projects, and recommended a thorough investigation of the irrigation capabilities of every part of India. They sketched out a rough programme of works for the next twenty years, to add $6\frac{1}{2}$ million acres to be irrigated at an estimated cost of nearly £ 30,000,000.”*

The Government of India has accepted the bulk of the Commission's recommendations and they form the basis of its policy. The Deccan districts of the Bombay Presidency being frequently liable to famine, large irrigation works have been projected and taken in hand there. Besides the Nira and Mutha Canals which irrigate between them 55,000 acres, there were sanctioned in 1906–07 two important projects, the Godavari and Pravara Canals estimated to cost more than a million £ and to irrigate more than 110,000 acres. A large part of these works has been already finished, and further the construction of what is the most important project of the protective class so far undertaken in India, has made considerable progress, *viz.* the Nira Right Bank Canal which is estimated to cost £ 1,700,000 and is designed to protect an area of 190,000 acres in the Sholapur district.

214. Civil Works.—Besides the Railway and Irrigation works dealt with above, there is a third branch of

* Moral and Material Progress Report, 1901–1911.

Public Works Department—that of civil buildings and roads. This branch includes the extension and maintenance of the road system, the construction and repair of all the buildings required for the proper discharge of the functions of government in all its branches and a large miscellaneous class of works of public improvement, including light houses, harbours, embankments, boat bridges and ferries and the water supply and sanitation of towns.

The expenditure on these civil works is chiefly met from provincial resources and the receipts consist mainly of rents of buildings, tolls and canal and ferry receipts.* The total receipts for 1917-18 are estimated at £ 285,200 of which the imperial share is £ 56,900. The total expenditure for the same year is taken at £ 5,535,000, the imperial share being £ 934,000. The smaller public works are mainly in the hands of local boards which receive the assistance of the officers of the Public Works Department in the matter of works of unusual difficulty.

215. The P. W. D.—We take the following account of the organization of the Imperial and Provincial Public Works Departments from the Report of the Commission on Decentralization.

“ The Government of India Public Works Department whose Secretariat officers are drawn from the ranks of the Department itself, is under the Member of Council in charge of the Revenue and Agriculture portfolio. In Madras and Bombay, the Public Works Department is usually under the Governor ; elsewhere it is always, like other Secretariat Departments, under the head of the Province.

“ At the head of the Public Works staff in each province are Chief Engineers, who are also Secretaries for Public works matters to the Local Governments. In Madras, Bombay, Bengal, the United Provinces and Burma there are two Chief Engineers,

* See pages 264-266 and 271.

one for irrigation and the other for buildings and roads; while in the Punjab, where irrigation has been specially developed, there are now two Chief Engineers, one for irrigation and the other for buildings and roads. In Eastern Bengal and Assam and in the Central Provinces, there is only one Chief Engineer. The division of functions which exists in most provinces as between the Chief Engineers extends also to the district staff in the United Provinces and the Punjab. Elsewhere the general practice is to use the same officers for irrigation, buildings and roads.

“ Each province is divided into Public Works divisions, comprising single civil districts, or portions or groups of districts, as the case may be ; and each division is in charge of an Executive Engineer who is immediately responsible for the construction, upkeep, and improvement of all works within his charge.

“ Executive Engineers have under them Assistant Engineers, who are in training for higher functions, and a subordinate staff, the principal members of which are styled Subordinate Engineers Supervisers and Overseers. These assistants may hold subordinate charge either of a portion of the division or of particular works.

“ Five or six divisions are grouped into a “ circle ” in charge of a Superintending Engineer. All important estimates are passed on to him by Executive Engineers for scrutiny, and the inspection of the works and projects in his circle is his primary duty.

“ The Chief, Superintending, Executive and Assistant Engineers form the superior staff of the Department. The majority of them are civil engineers trained and recruited in England, but the staff also includes a proportion of Royal Engineer officers and a large number of engineers recruited in India. These last are now classed as “ Provincial Engineers,” while the others constitute an ‘ Imperial ’ service. There are also a number of temporary and non-pensionable engineers employed (outside railways) chiefly on irrigation works in the Punjab.

“ The Provincial engineers are natives of India (including in the term domiciled Europeans and Eurasians) and are recruited from the Indian Engineering Colleges, by the grant of a limited number of guaranteed appointments to the most distinguished students of each year, or by promotion from the upper subordinate ranks.

This service was organized on its present footing in 1892, in accordance with the recommendation of the Public Service Commission and its members perform the same duties, and can rise to the same positions, as the officers of the "Imperial" Service, but draw a lower rate of pay in most grades.

"The Subordinate" Public Works Service is recruited in India from the local Engineering Colleges.* It contains a sprinkling of British soldiers who have undergone an engineering course at Roorkee, while the rest are natives of India in the wide sense above referred to, but with a large predominance of the purely Indian element. It is divided into 'upper subordinates' consisting of subordinate engineers, supervisors and overseers with pay ranging from Rs. 60 to Rs. 500 a month and 'lower subordinates' who are suboverseers on a pay of Rs. 30 to Rs. 70.

"The Public Works accounts branch is under the direct control of the Government of India, Public Works Department. Its superior staff which comprises Examiners and Deputy and Assistant Examiners is recruited partly by direct appointment in India (a) on the result of a competitive examination; (b) by promotion from the subordinate ranks; (c) by the transfer, in exceptional cases, of officers from the engineering establishment. The Examiner of public Works Accounts in each province occupies a position somewhat similar to that of the Civil Accountant General, while at the head of the branch is an Accountant General, whose functions are in a measure analogous to those of the Comptroller and Auditor General of the Civil Accounts Department; he is likewise a Deputy Secretary for accounts matters, in the Imperial Public Works Secretariat. The Comptroller General has also some control over the Public Works accounts."

215. Railway Management.—An interesting question in connection with Indian Railways has been receiving public attention, and it came up for discussion before the Imperial Legislative Council when, in 1914, the Hon'ble Sir Ibrahim Rahimtoola moved a resolution recommending "the Governor General in Council to consider the desirability of the future policy in regard to State Rail-

* There are four Engineering Colleges—at Roorkee in the United Provinces, Sibpur (Calcutta), Madras, and Poona; also Engineering Schools at Rangoon, Patna, and elsewhere.

ways being one of management by Government instead of by Managing Companies ". In placing his resolution before the Council, the Hon'ble mover observed:—

" I will open my remarks by pointing out that my resolution does not deal with the question of the nationalisation of railways, as some people have imagined. It was as early as 1880 that the Government of India laid down as their future policy that they would acquire all the railways at the time when the option resting with them under the contracts with Railway Companies fell due. So that, so far as the word 'nationalisation' means the ownership of railways, practically all trunk lines in India have been acquired and are now owned by the State. My resolution deals with the far simpler question of the management of railways, in other words, whether the lines owned by Government should be managed by themselves or whether they should be managed by Managing Companies. The present system of management of railways is divided into two parts. Government own 25,125 miles of trunk lines in India out of which approximately 6,800 miles are managed by themselves. The balance of 18,325 miles are leased to Companies for the purpose of management. My resolution asks Government to lay down, as their future policy, that the 6,800 miles which they manage now may gradually be extended as the contracts with existing companies fall due and that ultimately when all the contracts have fallen due, to have the entire management of the State-owned railways put under one central department of the State. "

Sir Ibrahim claimed the following advantages for the system of State-managed railways, which he proposed:—

- (1) The saving to the State of the share of profits now paid to the Managing Companies.
- (2) The development of trade and commerce on natural lines instead of the present artificial diversion by means of block rates.
- (3) The growth and development of industries especially in the interests of this country.
- (4) The promotion of inter-provincial trade.
- (5) The centralisation of control in a single State Department located in India and amenable to Indian public opinion instead of in Boards of Directors in London.

The resolution of Sir Ibrahim Rahimtoola received a large measure of support in the Viceroy's Council and outside ; but the question is not free from difficulties and there is a divergence of view with regard to the advantages claimed for the State-management of Railways.

The Hon'ble Mr. Clarke, who spoke on behalf of the Government of India, did not appear to favour the management of railways by the State, but he accepted the resolution, all the same, the Government having already instituted an inquiry into the comparative merits of the two rival systems, especially from the point of view of relative efficiency and economy. The arguments of Sir Ibrahim and of those who think with him, cover a larger ground than that of mere economy; but when the necessary data have been collected we shall be in a better position to form a judgment on the whole question. The Railway Board is eliciting the opinions of commercial bodies, and conflicting views have been expressed in the matter.

Chapter XVII.

FAMINE RELIEF.

CONTENTS.

217. What is a Famine? 218. Unemployment. 219. Famines in Pre-British Times. 220 In the Last Century. 221. Prevention and Insurance. 222. Actual Relief. 223. Famine Codes and Commissions. 224. Existing System.

217. What is a Famine ?—Food is one of the primary necessities of life. Craving for food is more urgent and powerful than a desire for clothing, shelter &c. Famine conditions establish themselves when there is a general failure or shortage of the supply of the articles of food. A deficiency of the supply of provisions must cause inconvenience and distress, and the intensity of this calamity will depend upon the extent and duration of the shortage of food supply. Shortage and dearth of food constitute scarcity and when the scarcity causes acute distress, it is called a famine.

Famine and scarcity may be caused by the devastation of war or floods. In war the enemy lays land waste and destroys crops, and nature also manifests her powers of destruction in a similar way. The root cause of famine is, therefore, a failure or deficiency of the supply of food-grains and other necessities of life, however the shortage may be brought about. In a country like India where agriculture is the predominant industry, which depends for its prosperity on seasonable rainfall, famine and scarcity are directly caused by the failure or the deficiency of the rains.

Agriculture is the means of livelihood with crores of people in India (about 71 per cent. of the population), and the prosperity of the other industries too depends on the prosperity of agriculture. If, in any year, the rains fail or are deficient, crops do not grow up, and the whole population is overtaken by a dreadful calamity. Cultivators rarely have any stores of grain or money to fall back upon, as they usually live from hand to mouth and are heavily indebted to money-lenders. Unemployment stares them in the face and other classes in the community likewise have little work to do.

218. Unemployment.—In other countries where there are large and varied manufacturing industries, unemployment has become a serious evil from which the labouring population has, from time to time, to suffer. A shortage of raw materials, such as cotton or coal, or trade disputes or other causes which dislocate business, throw large numbers of workmen out of employment. But this calamity is temporary ; the workmen in western countries are organized and have funds to help them in times of temporary unemployment. In countries like India, which are dependent on agriculture, a failure of crops means a grievous calamity. Manufacturing and wealthy countries have the whole world open to them to draw upon, and raw materials and food can be imported from abroad, though they may be very dear.

India is a vast country, and it is but seldom that rains fail all over the continent at the same time. While scarcity prevails in one district or province, there is plenty in other districts and provinces. If food-grains are transported from parts of the country where they are plentiful to those parts which are in distress, much relief may be given. Prices may thus be lowered and the suffering of the people in the famine area, may be alleviated. But the question is not one only of high prices

caused by deficiency of supply, but it is primarily a question of unemployment and resourcelessness. Those who in normal times earn a living by working in the fields, are thrown out of employment and they cannot purchase food-grains brought from a distance, for the very simple reason that they have not the wherewithal to buy it. To provide such people and others who are equally helpless, with work and wages, is the great problem in times of drought and scarcity.

219. Famines in Pre-British Times.—A scarcity or famine is a calamity caused by the freaks of nature, if it is not brought about by the folly of man, *e. g.* war. It may be caused by deficient or excessive rains, by floods and locusts or by the prevalence of pests. Under these circumstances, India has never been entirely immune from the curse, and our records of the last thousand years and more, refer to the occasional occurrence of famine of varying intensity and duration.

Means of communication were extremely defective in the past, and scarcity could not be alleviated by the importation of any large quantities of food-grains from a distance. The people suffered without complaint because they saw in the famine a visitation of the wrath of the gods for the prevalence of evil on the earth. But this lack of communications was also an advantage and rendered material assistance to people in years of scarcity. It was the common practice of the people to store away grain in years of plenty so that it might be utilised in times of deficiency and almost every village had its store of grain.*

* "If wars and lack of means of communication hampered importation, they limited exportation correspondingly. It was to the supplies of stored grain that the rulers and the people chiefly looked for protection against drought. The Muhammadan Emperors maintained these stores in their capitals as war chests and the cultivators kept what surplus they could from their years of bounty as an insurance against those of dearth."—Loveday: *History and Economics of Indian Famines*.

When there was scarcity or famine, the king or chief took measures to bring grain from outside and to distribute it among the people. This was also a time for the charitable people to give doles of food or grain to those suffering from the calamity. Such were the measures adopted by the governments of the day to relieve distress, and the wealthy and the charitable heartily co-operated with the rulers in this work of philanthropy. The Government likewise remitted the land and other taxes and gave opportunities to cultivators and craftsmen to recover from the effects of famine.

In spite of these measures for the supply of food and the relief of distress, mortality among human beings and cattle was often very heavy. If the calamity was extensive and prolonged, it was not possible to prevent these results. Famines were often accompanied and followed by the outbreak of dangerous diseases like cholera, and they completed the work commenced by famine. It took some years for the people to recover from the effects of the calamity. If the famine was less serious or less widespread, the recuperation was less difficult. As a lesson from famines, the rulers provided those parts of the country which were specially subject to drought; with canals and tanks, and wells were dug as a protective measure.

220. In the Last Century.—Such is the impression left on the mind by the records bearing on the subject of famines in pre-British times. The last hundred and fifty years of British rule have witnessed a number of famines, some of which were most dreadful. The measures for combating famine and the machinery for the relief of distress have been but slowly developed during the last century. Commissions appointed by Government, made inquiries and recommendations, and the existing arrangements are based upon past experience covering a period of two generations.

Leaving out of account severe scarcities, often confined to limited areas, we find that there were in India no less than twenty-two famines within a period of 130 years, between 1770 and 1900. Of these famines, those of 1784, 1837 and 1869 in Northern India, the Orissa famine of 1866, the Madras famines of 1877 and 1889 and the wide-spread famines of 1897 and 1900, which covered several provinces including Bombay, may here be noted. The earlier of these famines were caused both by wars and failure of rain; most of the later ones were due to the latter course. In several of the earlier famines, mortality was high.

The methods of facing famines are based on the principles of prevention, insurance, mitigation, and relief. The measure taken by Government in connection with famines, show that these principles have inspired its policy at different times separately or simultaneously.* The first and the natural impulse on the occurrence of scarcity or famine is the desire to prevent loss of life by distribution of food and provision of work. It took the State in India several years to recognize it as one of its duties to adopt systematic measures for the relief of distress and the prevention of the occurrence of famines.

* "Thus, any failure of the rains involves some failure of crops, thereby reducing the supply of food and stopping the demand for labour. But not every failure of the rains causes famine. The people are not generally dependent on the out-turn of a single harvest. The railways have put the whole food-supply of the country into circulation, and what is lost in one part of the country is made good from another. The cultivators have some resources and credit. The spring harvest may be good although the autumn harvest has failed. The agricultural labourers are sale so long as there is a demand for labour, and there are various degrees of crop failure with varying effect upon the labour market. A wide-spread failure of either harvest will cause distress, especially to agricultural labourers, but it depends on several conditions such as the character of preceding harvests, and the degree in which agricultural operations are affected, whether the distress will amount to famine."—*Imperial Gazetteer*. Vol. III.

Under the rule of the East India Company, the responsibility of Government in this connection, was not realized and acknowledged. " It cannot be said that in the course of its curious career the Company showed marked aptitude to deal with these calamities. But through its own failure it taught the Government which succeeded it some lessons of value, and at least in the later years of its existence confessed some obligations to the subjects over which it ruled as well as to the shareholders by whom it was controlled. Public works often were but not always, undertaken, and little or no attempt was made towards preparatory organization. The nearest approach towards efficient management was probably in 1824 in Bombay when a committee of tanks and wells was appointed. But there were no permanent famine officials, there were no codes, there were no regular reports on crops. " *

221. Prevention and Insurance.—In this agricultural country, there is no radical cure for scarcity and famine caused by partial or complete failure of rains. There are certain preventive remedies which, however, suggest themselves. It appears that the decay of the old indigenous industries, has driven many people to the land and this accession to the numbers of those dependent for their livelihood on land, joined to the natural increase of population, which is considerable, normally requires a larger supply of good grains. (1) This sole dependence on agriculture of a very large section of the population must be relieved and a variety of employment must be provided to the people, so that the numbers affected by a famine would be limited. Such diversity of employment was recommended as a remedy by the famine commission of 1880.

* Loveday : Indian Famines.

The calamity of a failure of rains and consequently of the supply of water, can be met by extension of irrigation. (2) In tracts frequently exposed to drought, irrigation schemes have been recently carried out and the Government has before it a programme of such works.† The Irrigation Commission of 1903 made recommendations in this behalf and they have been accepted. Besides canals constructed by Government, the State may encourage the sinking of wells by the cultivators. Takavi advances are made to cultivators by Government for this purpose. The Commission stated:— “It is unnecessary here to say more than that, we entirely approve the system followed in recent famines, from 1896-97 onwards in accordance with which very large sums were advanced for private irrigational improvements, and extraordinary concessions were made. There can be no doubt that, in addition to the actual help derived from the advances, a valuable stimulus was given to the execution of improvements out of unaided or only partially aided private resources. The only point on which we have to offer advice is that the greatest care should be taken in famine times to have the advances given out early. The authorities should begin offering the advances some time before it has become certain that the impending scarcity will develop into famine. ”

When the obligation of the State to take protective insurance and relief measures in connection with famine, was accepted, a permanent annual provision of Rs. 1½ crores was made in 1878 by the imposition of fresh taxation for the purpose. “The Madras famine of 1877 led Lord Lytton's Government to create, by imposing new taxes, a Famine Relief and Insurance grant. The object of the grant was declared to be the provision of an annual surplus of a crore and a half for famine relief

† See pages 398-399.

and famine insurance. To the extent to which, in any year the amount was not spent on relief, it was to be spent solely on reduction or avoidance of debt."* It is out of this special annual grant that protective railways and particularly irrigation works have been and are being constructed.†

(3) The extension of railways has admittedly proved a fruitful resource of food supply in times of famine. It is indeed admitted that railways extend the area of distress by equalising prices all over the country and that they have destroyed the old habit of storing grain, which was a kind of insurance against famine to the people of villages. This is a noteworthy feature of the economic revolution which has been brought about in India by the improvement of communications, especially by the linking up of the great ports with the interior of the country. The railways have brought these interior parts in direct touch with foreign markets, and local village and district markets are no longer isolated. On account of the distribution of food-grains, railways have practically extended the limits of their supply. Importation by means of railways has the effect of relieving distress by increasing the supply of food, but it can have no permanent value unless the economic condition of agriculturists is otherwise improved. Food for human beings and fodder for cattle are however imported in famine times from neighbouring districts and provinces and sold at reasonable prices.

222. Actual Relief.—So much about measures taken to provide insurance and protection against famine. Now to turn to measures adopted for relieving distress due to famine and scarcity. The primary object of these

* Gokhale and Economic Reforms, page 13.

† See above, pages 269-271.

measures must be to make the utmost efforts to save human lives and the lives of cattle also. In 1868 the principle was laid down that no pains ought to be spared in preventing the loss of life from starvation. But it was found from experience that this indiscriminate charity had a demoralising effect upon the people. In western countries also, public works as a method of poor relief, have been condemned and it was not easy in the peculiar conditions of India to provide those who had lost their employment owing to the failure of rains, with suitable work.

There are various difficulties which have got to be faced in arranging for relief in times of serious famine : (i) The large numbers of men, women and children who have to be looked after ; (ii) the necessity of collecting these people in central relief camps and of giving them work to do ; (iii) paying the workers and their dependants wages which will be enough for their maintenance ; and (iv) maintaining those who will not and cannot leave their homes for relief camps. Whether the system of piece work or task work should be adopted, whether the relief camps should be large or small, at a distance from or near the homes of sufferers, what should be amount of the wage or dole, how gratuitous relief should be administered to the weak and the infirm and other wise unfit—are questions which have been discussed from time to time and have been solved in different ways in the different provinces.

“ The desirability of the concentration of labour upon large undertakings was first upheld by Baird Smith during the famine of 1860. But from that date until some weeks after the outbreak of distress in Madras in 1877, a general drift of opinion in the opposite direction is noticeable. But distinction must be made between the relief offered to the able-bodied and to the sick and infirm. It is the classification of the population which

forms the foundation of the existing system. Thus, while opinion may lean towards centralization of employment, it may at the same moment maintain the desirability of decentralizing gratuitous relief. This is indeed, within certain limits, exactly what has taken place. In 1860 there were two centres—the poor house and the works. Since 1873 the former has gradually disappeared.”*

223. Famine Codes and Commissions.—The policy of concentration of famine relief works, has not been uniformly followed, and opinion has inclined to decentralization and village relief. It is now an acknowledged principle that the grant of relief must be adjusted to the needs of the peculiar circumstances of the time and the locality. Gratuitous relief has to be provided and grain and fodder are imported from long distances, if necessary. There is unlimited scope for the exercise of private charity, and during recent years, it has been systematically organized. State relief cannot be expected to reach certain classes of people, particularly women and people of castes not accustomed to the kind of labour provided in famine camps. Private agencies alone can deal with such cases, and in recent famines the latter have most effectively co-operated with the officers of the State.

The State policy of famine relief is embodied in the provincial famine codes which have been framed and elaborated in the light of the experience of the past. The first Famine Commission, of 1880 was presided over by Sir R. Strachey. The arrangements made in conformity with its recommendations were put to a severe test in the famine of 1896–97 which cost the State $7\frac{1}{2}$ crores of rupees besides the Rs. $1\frac{1}{4}$ crores of land revenue remitted. The Lyall Commission examined the situation in the light of this wide-spread famine, but before its recommendations could be considered, the country was over-

* Loveday.

taken by the great calamity of 1899-1900 which affected an area of $4\frac{1}{2}$ crores of square miles and a population of about six crores.

This famine of the closing year of the last century was one of the severest that had overtaken the country. It cost the people and the State a huge amount, and the third Famine Commission was appointed, with Sir Antony MacDonnell as president, to examine the whole system of famine relief and insurance in the light of the experience of the recent calamity. The Commission recommended the adoption of prompt and comprehensive measures of relief and an attitude of constant preparedness and vigilance so that the relief machinery might be set in motion at the sight of the earliest indication of famine. There was to be no minimum wage for able-bodied workers, and payments were to be regulated by results. The importance of saving cattle was emphasised and co-operation with non-official agencies in the organization of relief, was recommended.

224. Existing System.—It is believed that at least in the case of drought or scarcity of small dimensions and moderate intensity, the people show a greater power of resistance than they used to do before. The Government usually acts with promptness and tagai loans are granted on a liberal scale to cultivators. The character of the season is closely and anxiously watched and preparations for relief are made well in advance. Land revenue is suspended and remitted where necessary and arrangements are made to import fodder for cattle.

In 1907, the United Provinces were overtaken by a famine of a severe type. The maximum number of persons who were given relief at one time, was over 14 lakhs, and of these, over 10 lakhs were employed on relief works. Gratuitous relief was given to a large number and the total loss on food and other crops owing

to a failure of the rains, was estimated at some Rs. 57 crores. The total expenditure directly incurred on famine relief, came to Rs. 2 crores, and including the remissions of land revenue, to over 3 crores of rupees.

The system of famine relief administration, as it now stands, is thus briefly described :—

"Famine relief, as now administered, is based on an elaborate system that embodies the results of much past experience. Standing preparations are made on a large scale in ordinary times, programmes of suitable relief works are maintained in each district, and the country is mapped out into relief circles of convenient size. When the rains fail, preliminary inquiries are started, and a careful look-out is kept for the recognised danger signals of approaching distress. As the uneasiness is intensified, the Government makes the necessary financial arrangements and declares the general policy, and "test works" are started. A test work is a work, employing unskilled labour, usually earth work; the conditions are strict, but not unduly repellent. When the test works, or village inspection, disclose real distress, relief works are opened, the lists of persons entitled to gratuitous relief are revised, and the distribution of gratuitous relief begins. Distress usually reaches its maximum in May. Policy changes somewhat with the advent of the rains. Relief works are generally closed, and there is an extension of local gratuitous relief. The people are moved to small works near their villages, and liberal advances are made to agriculturists for purchase of plough cattle and seed. Gradually the remaining relief works are closed and gratuitous relief is discontinued, and by the middle of October famine is ordinarily at an end.

The extension of communications, and particularly of railways, in recent years, has revolutionised relief. The former horror of famine, an absolute dearth of food is now unknown. As the administration has been freed from the primary necessity of finding food, the relief system has become increasingly elastic. Relief works are organised with due regard to the feelings of the people. Those who cannot work are relieved, as a rule, in their villages, and children and weakly persons are specially treated. An elaborate scheme for making relief acceptable to forest and hill tribes has been worked out, and weavers and artisans, who formerly suffered on ordinary relief works, are now as far as possible relieved in their own trades. The strictness of Government relief, which must inevitably be confined to the provision of necessaries, is softened and supplemented by private relief funds, among which the Indian People's Famine Trust, founded in 1900 by a donation of £ 106,000 from the Maharaja of Jaipur, may be mentioned." §

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